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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

M.F., B.F., and A.F.,
 Plaintiffs,

v.

META PLATFORMS, INC., formerly known
 as FACEBOOK, INC.

Defendant.

CASE NO.

COMPLAINT FOR PERSONAL
 INJURIES, AND FOR VIOLATIONS
 OF THE CALIFORNIA UNFAIR
 COMPETITION LAW, BUS. & PROF.
 CODE §§17200, *ET. SEQ*

JURY DEMAND

“In these digital public spaces, which are privately owned and tend to be run for profit, there can be tension between what’s best for the technology company and what’s best for the individual user or for society. Business models are often built around maximizing user engagement as opposed to safeguarding users’ health and ensuring that users engage with one another in safe and healthy ways. . . . Technology companies must step up and take responsibility for creating a safe digital environment for children and youth. Today, most companies are not transparent about the impact of their products, which prevents parents and young people from making informed decisions and researchers from identifying problems and solutions.”

Protecting Youth Mental Health, United States Surgeon General Advisory, December 7, 2021.

1 Plaintiffs M.F., on behalf of himself and as next of friend to his minor child, A.F.,
2 and B.F. bring this action for personal injury against Meta Platforms, Inc., formerly known
3 as Facebook, Inc. (“Meta”), doing business as Instagram (“Instagram”) and allege as follows:

4 I. INTRODUCTION

5 1. This product liability action seeks to hold Defendant Meta’s Instagram product
6 responsible for causing and contributing to the burgeoning mental health crisis perpetrated upon
7 the children and teenagers of the United States by Meta and, specifically, for personal injuries it
8 caused Plaintiffs M.F. and B.F. and their minor child A.F. starting when A.F. was only 9 or 10
9 years old. Those injuries, proximately caused by Meta’s calculated business decisions and
10 unreasonably dangerous Instagram product, include but are not limited to, addiction, sleep
11 deprivation, anxiety, depression, self-harm, suicidal ideation, and extensive exploitation and abuse
12 carried out because of and to the benefit of Defendant Meta.

13 2. Plaintiffs’ harms were all caused by A.F.’s exposure to and use of Meta’s
14 unreasonably dangerous and defective social media product, Instagram. A.F. was 9 or 10 when she
15 first began using Instagram, without her parents’ knowledge or consent. Meta not only knew that
16 A.F. was under the age of 13, it affirmatively recommended her profile to adult, strangers (sexual
17 predators who wrote and told her that they found her through Meta’s recommendation feature),
18 made her available to those strangers via its direct messaging and similar products, knew or
19 recklessly disregarded the fact that she was contacted by and engaged in extensive live, video, and
20 photo exchanges with countless adult Instagram users. Even now, Meta has not taken down A.F.’s
21 public profile which reads,

22 **“10 year old who isn’t allowed to be on social media”**

23 Which is what A.F.’s father wrote almost a year ago after discovering A.F.’s Instagram account.
24 This is not the only Instagram account for which A.F.’s parents blocked access by their 10-year-
25 old child, nor will it be the last given Meta’s design and distribution decisions.

26 3. On December 7, 2021, the United States Surgeon General issued an advisory
27 cataloging a dramatic increase in teen mental health crises including suicides, attempted suicides,
28 eating disorders, anxiety, depression, self-harm, and inpatient admissions. The most significant

1 and far-reaching change to the lives of young people during this time was the launch and light
 2 speed growth of certain social media products, most prominently for purposes of this case the
 3 Instagram product, designed and distributed by Meta.

4 4. In Meta’s own words, it created with its Instagram product a “perfect storm” of
 5 addiction, social comparison, and exposure to incredibly harmful content and product features.
 6 Meta programmed and operated its product to prioritize engagement over user safety, and A.F.
 7 suffered several emotional and physical harms as a result.

8 5. Instagram is causing these harms, which comes as no surprise to Meta. From the
 9 beginning, Meta exploited vulnerabilities in human psychology to addict users (particularly minor
 10 users) and to maximize user time and engagement. Meta’s first President, Sean Parker, summed
 11 up the devastating impact of these social media designs in a 2017 interview:

12 God only knows what it’s doing to our children’s brains. The thought process that
 13 went into building these applications, Facebook being the first of them, ... was all
 14 about: “How do we consume as much of your time and conscious attention as
 15 possible?” And that means that we need to sort of give you a little dopamine hit
 16 every once in a while, because someone liked or commented on a photo or a post
 17 or whatever. And that’s going to get you to contribute more content, and that’s
 going to get you ... more likes and comments. It’s a social-validation feedback loop
 ... exactly the kind of thing that a hacker like myself would come up with, because
 you’re exploiting a vulnerability in human psychology. The inventors, creators —
 it’s me, it’s Mark [Zuckerberg], it’s Kevin Systrom on Instagram, it’s all of these
 people — understood this consciously. And we did it anyway.¹

18 6. Meta has operated for years under the fiction that it is untouchable and with the
 19 goal of exercising control over the entirety of America’s youth – which allegation is proven by
 20 Meta’s own records and testimony of former employees. Meta’s founder, Chairman, CEO, and
 21 controlling stockholder, Mark Zuckerberg, used to end company meetings with the exhortation
 22 “Domination!”² and is coming shockingly close to accomplishing that goal. For example, a recent
 23

24 ¹ Mike Allen, *Sean Parker unloads on Facebook: “God only knows what it’s doing to our children’s*
 25 *brains”*, Axios (November 9, 2017), <https://www.axios.com/2017/12/15/sean-parker-unloads-on-facebook-god-only-knows-what-its-doing-to-our-childrens-brains-1513306792>.

26 ² Evan Osnos, *Can Mark Zuckerberg Fix Facebook Before It Breaks Democracy?*, THE NEW YORKER (Sept. 10,
 27 2018); see also, e.g., See, e.g., Kate Losse, *THE BOY KINGS: A JOURNEY INTO THE HEART OF THE*
 28 *SOCIAL NETWORK* (2012); Renee M. Jones, *The Unicorn Governance Trap*, 166 U. PA. L. REV. ONLINE 165,
 186-87 (2017), <http://www.pennlawreview.com/online/166-U-Pa-L-Rev-Online-165.pdf>; Cecilia Kang and Sheera
 Frenkel, *AN UGLY TRUTH: INSIDE FACEBOOK’S BATTLE FOR DOMINATION* (2021); Henry Blodget, *Mark*
Zuckerberg on Innovation, BUSINESS INSIDER (Oct. 1, 2009) (quoting Zuckerberg: “Move fast and break things.
 Unless you are breaking stuff, you are not moving fast enough.”).

1 Pew Research estimate puts the percentage of U.S. teens (age 13 to 17) regularly using Meta's
2 Instagram product at 62%³ – which estimate is most likely understated. More concerning is what
3 this figure does not include – the millions of children under 13 – like A.F. – to whom Meta also is
4 providing its social media products on a daily basis.

5 7. Millions of U.S. children and teens access Instagram hundreds, if not thousands, of
6 times each day, and spend hours on social media to the point of extreme exhaustion and sleep
7 deprivation. Millions of minor users also want to quit using Instagram but feel as though they
8 cannot.⁴ And some of Meta's minor users are so locked-in to its products that they harm
9 themselves and/or put themselves in harms' way when their parents attempt to limit or remove
10 access to Instagram.

11 8. Meta is aware of these harms, and their pervasiveness, yet disregards them because
12 it is counting on its designed addictions and exploitation of children and teens to keep Meta in its
13 position of unchecked growth and power.

14 9. Peer reviewed studies and the available medical science have identified social
15 media use as a cause of major mental health injuries among youth. Large observational studies and
16 experimental results point to such use as the cause of sleep deprivation, anxiety, depression, anger,
17 eating disorders, suicidal ideation, and suicide and self-harm. More to the point, Meta's own
18 internal studies and/or observations have concluded the same.

19 10. Meta's own studies, reports, and recommendations have likewise identified several
20 specific product features that are inherently dangerous or harmful to Meta's minor users. This
21 includes but is not limited to features like Meta's public profile setting, direct message settings,
22 and user recommendation algorithm, as well as the "like" feature, filter options, and the sheer
23 volume of harmful content pushed by Meta's technologies (more specifically, by Meta's
24 programming decisions as they relate to those technologies). Meta routinely and knowingly makes
25 these and a myriad of other products available to minors, like A.F., despite actual knowledge that

26 ³ See <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>

27 ⁴ See <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/> (35% of teen
28 users say it would be somewhat hard to stop using social media, while 18% say it would be very hard. Meta's own documents establish known dependency on Instagram by teen users, and behaviors characteristic of addiction, including but not limited to the stated desire but inability to quit using.

1 these features contribute to and cause a significant percentage of the abuse and exploitation harms
2 to children occurring on Meta's platforms. Meta not only makes its products available to such
3 children, but it also actively markets and designs its products to reach children under 13 directly
4 and to ensure maximum engagement.

5 11. Meta knows that its products are harming kids and its employees have identified
6 product changes that would prevent or reduce these harms – most if not all of which are changes
7 Meta could make in a matter of hours and with nominal expense.

8 12. Meta refuses to make those product changes and, instead, has continued to design
9 and distribute its products in a manner it knows to be harmful to its minor users, users like A.F.
10 Meta invests billions of dollars to design and develop its products to encourage, enable, and push
11 content to children and teens that Meta knows to be problematic and highly detrimental to their
12 mental health. Meta likewise invests billions of dollars to design and develop products that
13 encourage and enable its adult users to connect with children and teenagers, despite its knowledge
14 that such products are harmful (even fatal) to some percentage of its child and teen users. Meta
15 leadership decided that this is a price worth paying for increased communication and continued
16 development of its technologies – but it is not and, regardless, it is not a choice Meta (or any
17 company) had the right to make.

18 13. Meta and certain of its leadership have perpetrated a terrible fraud and cover-up
19 upon the American public, and the world, and have gotten away with it for far too long.

20 14. Plaintiffs bring claims of strict liability based upon Meta's defective design of its
21 social media products that renders such products not reasonably safe for ordinary consumers or
22 minor users. It is technologically feasible to design social media products that substantially
23 decrease both the incidence and magnitude of harm to minors arising from their foreseeable use of
24 Meta's products with a negligible increase in production cost.

25 15. Plaintiffs also bring claims for strict liability based on Meta's failure to provide
26 adequate warnings to minor users and their parents of the danger of mental, physical, and
27 emotional harms and sexual abuse arising from foreseeable use of their social media products. The
28 addictive quality of Meta's products and the impacts of its harmful recommendation technologies

1 are unknown to minor users and their parents.

2 16. Plaintiffs also bring claims for common law negligence arising from Meta's
3 unreasonably dangerous social media products and its failure to warn of such dangers. Meta knew,
4 or in the exercise of ordinary care should have known, that its social media products were harmful
5 to a significant percentage of its minor users and failed to redesign its products to ameliorate these
6 harms or warn minor users and parents of dangers arising out of the foreseeable use of its product.
7 Meta's own former and/or current developers often do not allow their own children and teenagers
8 to use these social media products.⁵ Meta has had actual knowledge that its social media products
9 are dangerous and harmful to children for years yet went to great lengths to conceal such facts
10 from the public and government regulators and failed to warn parents about known harms for its
11 own economic gain.

12 17. Plaintiffs bring claims under California's Unfair Competition Law ("UCL"), Cal.
13 Bus. & Prof. Code, §§17200, *et seq.* The conduct and omissions alleged herein constitute unlawful,
14 unfair, and/or fraudulent business practices prohibited by the UCL.

15 18. Plaintiffs also bring a claim for unjust enrichment. Meta received a direct benefit
16 from the problematic, harmful, and unauthorized use of its product as described herein. It would
17 be unjust and inequitable for Meta to retain those ill-gotten benefits.

18 19. Plaintiffs bring a claim for invasion of privacy. Defendant's conduct detailed herein
19 frustrated and intruded upon Plaintiffs M.F. and B.F.'s fundamental right to protect their child and
20 to monitor and control their child's use of social media, and this intrusion occurred in a manner
21 that was highly offensive to a reasonable person.

22 20. Plaintiffs' claims do not arise from third party content, but from Meta's product
23 design, manufacturing, marketing, programming, and distribution decisions, its refusal to make its
24 products safer despite actual knowledge of resulting harms, and its many failures to warn.
25 Plaintiffs likewise do not allege that Meta has some general duty to supervise or monitor content.
26 This lawsuit is about unilateral changes Meta could and should have made to its social media
27

28 ⁵ See, e.g., <https://www.foxnews.com/tech/former-facebook-exec-wont-let-own-kids-use-social-media-says-its-destroying-how-society-works>

1 products to protect its minor users from the harms described herein, and its decision to not protect
2 these minor users based on Meta's determination that a dangerous product would make it more
3 competitive and more money.

4 II. PARTIES

5 21. Plaintiffs M.F. and B.F. are the custodial parents of 11-year-old A.F. Plaintiffs M.F.
6 and B.F. have not entered into a User Agreement or other contractual relationship with Meta in
7 connection with A.F.'s use of any Meta product. As such, Plaintiffs are not bound by any
8 arbitration, forum selection, choice of law, or class action waiver provisions contained in said
9 agreements or terms. Plaintiffs M.F. and B.F. also expressly disaffirm for and on A.F.'s behalf all
10 User Agreements with Meta that their minor child may have acknowledged.

11 22. Defendant Meta Platforms, Inc., formerly known as Facebook, Inc., is a Delaware
12 corporation with its principal place of business in Menlo Park, CA. Defendant Meta Platforms
13 owns and operates the Facebook and Instagram social media platforms, an application that is
14 widely available to users throughout the United States.

15 23. At all times relevant hereto, Defendant Meta Platforms, Inc. was acting by and
16 through its employees, servants, agents, workmen, and/or staff, all of whom were acting within
17 the course and scope of their employment, for and on behalf of Meta Platforms, Inc.

18 III. JURISDICTION AND VENUE

19 24. This Court has subject-matter jurisdiction over this case under 28 U.S.C. § 1332(a)
20 because the amount in controversy exceeds \$75,000 and Plaintiff and Defendants are residents of
21 different states. Venue is proper in this District under 28 U.S.C. § 1391(b)(2)

22 25. This Court has personal jurisdiction over Defendant Meta because it is
23 headquartered and has its principal place of business in the State of California. Venue is proper in
24 this District under 28 U.S.C. § 1391(b)(1) because Defendant Meta's principal places of business
25 is in the Northern District of California.

26 IV. DIVISIONAL ASSIGNMENT

27 26. The case is properly assigned to the San Francisco Division pursuant to Civ. L. R.
28 3-2(c)–(d) because a substantial part of the events or omissions giving rise to Plaintiff's claims

1 occurred in San Mateo County, where Defendant Meta maintains its primary place of business.

2 **V. FACTUAL ALLEGATIONS**

3 27. In late 2021, a Facebook whistleblower disclosed thousands of internal Meta
4 documents to the United States Securities Exchange Commission (the “SEC”) and Congress. The
5 Facebook Papers prove known dangerous designs and design defects as well as operational
6 decisions and calculations, and a causal relationship between use Meta’s social media products –
7 Facebook and Instagram – in their current form and resulting addiction, anxiety, depression, eating
8 disorders, exploitation and grooming, and what Meta internally refers to as “SSI” (Suicide and
9 Self Injury). The Facebook Papers originate from Meta and prove known dangerous designs and
10 design defects as well as other dangers caused by Meta’s products and safety-related decisions.

11 28. Meta has actual knowledge about the harms its products cause users, particularly
12 teen, child, and other vulnerable user populations, and Meta continues to operate those products in
13 a harmful and dangerous manner anyway and in the interest of maintaining its competitive position
14 and increasing already astronomical profits. Even with the previously disclosed documents –
15 which number in the thousands –Plaintiff anticipates literal truckloads of additional evidence that
16 will support these claims and show precisely what Meta has done and continues to do in the name
17 of corporate greed and power.

18 29. Meta is making calculated cost-benefit business decisions and has consistently
19 prioritized its already astronomical profits over human life.

20 **A. Facebook and Instagram Background**

21 30. Facebook, founded in 2004, is the world’s largest social media company, and its
22 motto until recently was “Move Fast and Break Things,” while Instagram began as a simple photo-
23 sharing application, purchased by Facebook (now “Meta”) in 2012.

24 31. When Meta began, access to its products were limited to college students, with
25 email and/or domain verification to confirm the same. In September 2006, Meta opened Facebook
26 up to everyone. It claimed that it would provide access only to persons 13 and older, and that users
27 under 18 should obtain parental consent, but also stopped verifying age or identity. At all times
28 relevant, Meta did not even verify existence of a valid email address. These product changes were

1 good for Meta's bottom line but resulted in the complete absence of any safety features for children
2 and teens, and harm to those same minor users.

3 32. In 2009, Meta launched the "like" button product and, in 2011, it launched
4 Facebook Messenger. By 2012, when Meta acquired the Instagram product, it was making rapid
5 and significant changes to all its products, as well as changes in data collection and advertising
6 policies and procedures, focused on increasing engagement at any cost. And Meta succeeded. Its
7 product designs and related programming decisions bolstered engagement and revenue,
8 particularly among children and teens, but did so in ways Meta knew to be harmful to these same
9 children and teens. For example, Meta designed and distributed addictive and harmful social
10 comparison product features and implemented workflows and recommendation technology speeds
11 to make it harder for minor users to put its product down, even for a matter of minutes. Meta also
12 re-designed and programmed its push notifications to have maximally addicting impact, and it
13 designed specific products to appeal to and lock-in minor users based on vulnerability factors like
14 development stages of minor users' frontal cortex. Meta spent billions on these efforts and knew
15 what it was doing.

16 33. Meta is still spending billions on these efforts and continues to look for ways to
17 escalate its unbreakable hold on (a/k/a addiction) minor users. To name only one example, in 2014,
18 Meta applied for just one of its many patents for new processes and systems in connection with its
19 recommendation technologies. Patent No. 9,798,382, Systems and methods of data and eye
20 tracking analysis, relates to the eye tracking processes Meta intends to use or uses in connection
21 with its content recommendation systems (a/k/a algorithms). Meta has denied current use of this
22 patented technology. It is unknown whether Meta's representations on this point were accurate,
23 but regardless, it is worth noting that this technology would permit, among other things, tracking
24 of eye movements, pauses, etc. This means, for example, that if someone pauses on offensive
25 content because it is *offensive* but has no desire to view or otherwise engage with the content, as
26 evidenced by the fact that they do not like, react to, or share the offensive content, Meta could use
27 the fact of the pause to identify and push similar content to them anyway. Meta has no concern for
28 consent, only engagement, and it is unclear whether Meta is using or will use this tech and in what

1 manner.

2 34. Meta has several patents relating to its social media products. For example, it
3 patented its Newsfeed product, *see* U.S. Patent No. 8,171,128, “Communicating a newsfeed of
4 media content on a member’s interactions in a social network environment” (filed August 11,
5 2006, granted May 1, 2012). The patent “describes keeping a profile of each person on the social
6 network in a database, identifying relationships between said users, generating ‘stories’ based on
7 the connections, and then creating a News Feed for each user.”⁶ Millions of users, including A.F.,
8 have been harmed by these patented technologies, utilized by Meta in its Facebook and Instagram
9 social media products.

10 35. In 2015 and 2016, Meta made other changes to its Facebook and Instagram content
11 recommendation technologies, including programming its products for engagement rather than
12 user interest or safety. And it implemented a multitude of other technologies meant to help Meta
13 determine what might catch each user’s attention, irrespective of what the user requested or wanted
14 to see, including utilization of user data in connection with activities undertaken *off* the Facebook
15 and Instagram social media products. By focusing on engagement and altering its products to
16 maximize and influence such engagement, Meta removed any modicum of user control, and
17 without disclosure and behind closed doors.

18 36. With the knowledge that teen and child users were Meta’s only opportunity for
19 growth in the United States, Meta ramped up its marketing to children and teens – including and
20 specifically to children under 13. It designed several new products and re-designed several existing
21 products on its Facebook and Instagram platforms, launched and marketed games and emojis, and
22 became significantly more involved with content creation. It also spent millions discussing and
23 finding ways to bypass older siblings, so that it could engage and addict these underage (potential)
24 users directly and with maximum effect.

25
26 ⁶ *See* <https://www.zdnet.com/article/facebook-patents-the-news-feed/>; *see also, e.g.*
27 <https://info.ipvisioninc.com/blog/4-creepy-facebook-patents-that-are-actually-real> (discusses various, invasive social
28 media products for which Meta has obtained patents, which Meta may or may not be using on its users – which
information is known only to Meta); [https://www.forbes.com/sites/nicolemartin1/2018/11/20/facebook-files-
algorithm-patent-to-predict-who-you-live-with/?sh=3b987fe73544](https://www.forbes.com/sites/nicolemartin1/2018/11/20/facebook-files-algorithm-patent-to-predict-who-you-live-with/?sh=3b987fe73544) (discussing Facebook patent application to use
algorithms to determine who lives in the same household);

1 37. Meta also continued finding new ways to monetize user content and the users
2 themselves, including development of incredibly complex and invasive advertising products, tools,
3 and technologies – which have made Meta billions in revenue on an annual basis, at the expense
4 of Meta’s users, including minor A.F.

5 38. Throughout these product changes, re-designs, and launches, Facebook founder and
6 CEO, Mark Zuckerberg, made public statements assuring the world that safety was Meta’s top
7 priority. For example, in February of 2017, he published a manifesto on his personal Facebook
8 page titled “Building Global Community,” in which he talked at length about how Meta is focused
9 on safety, how it intends to use its AI to the fullest extent to keep users safe, and how amazing its
10 products are for bringing communities together and promoting critically important social groups.
11 We now know these statements to be untrue, and profoundly dangerous, given what was actually
12 happening at Meta and what Mr. Zuckerberg knew about the harms his products were causing
13 American youth.

14 39. By 2017, Meta employees were already reporting to Meta leadership – including
15 and specifically to Mr. Zuckerberg – that Meta products were causing harmful dependencies. Meta
16 was studying and purposefully designing its products in a manner that required sunk cost and
17 system effects that would ensure its ability to lock-in its youngest users – that is, making sure that
18 they would never leave. Meta was marketing to children under 18, as well as children under 13
19 despite clear legal mandates that it could not knowingly allow children under 13 on its social media
20 products. And Meta leadership was actively rejecting proposed re-designs and fixes that would
21 have minimized harms Meta’s products were causing to children and teen users, like minor A.F.
22 Meta rejected those recommendations because engagement was its first priority and teens and
23 children were its primary target for acquisition – that is, Meta determined that it could not make
24 both a safe product and an astronomically profitable and competitively dominant product. Meta
25 had long since identified teens and children as the key to these objectives, so pursued its goal
26 single-mindedly and with actual knowledge as to the devastating harms it was causing to its
27 youngest users and their families.

28 40. Meta also creates images and GIFs for users to post on their videos and pictures in

1 connection with its Facebook and Instagram products. Meta has also acquired publishing rights to
 2 thousands of hours of music, which it provides to its users to attach to the videos and pictures that
 3 they post on Facebook and/or Instagram. The GIFs, images, and music are integral to the user's
 4 post and are, in fact, designed to encourage posting. Indeed, in many cases, the only content in a
 5 user's post is the image, GIF or music supplied by Meta. When users incorporate images, GIFs,
 6 and music supplied by Meta into their postings, Meta is functioning as a co-publisher of such
 7 content. A Facebook and/or Instagram user who incorporates images, GIFs or music supplied by
 8 Meta into their post is functionally equivalent to a novelist who incorporates illustrations into their
 9 story. Instagram can no longer characterize the images, GIFs, and music it supplies to its users as
 10 third-party content, just as the novelist cannot disclaim responsibility for illustrations contained in
 11 their book. Meta has made the deliberate decision to collaborate with its users in this regard and,
 12 as evidenced by Meta's internal documents, Meta's decision is motivated by the fact that such
 13 collaboration results in increased engagement, advertising revenue, and other profits for Meta
 14 itself.

15 41. Meta also has ownership and/or licensing, and other legal, rights in all third-party
 16 content, such that it is not "third-party content" at all. To name only one example, in 2012, Meta
 17 revised its Instagram Terms of Service to the following,⁷

18 To help us deliver interesting paid or sponsored content or promotions, you agree that
 19 a business or other entity may pay us to display your username, likeness, photos
 20 (along with any associated metadata), and/or actions you take, in connection with
 21 paid or sponsored content or promotions, without any compensation to you.

22 42. Meta's current terms are different, but still grant it the right to use all third-party
 23 content at its sole and unilateral discretion. In other words, Meta directly profits from the videos
 24 and pictures its users create in collaboration with Meta, as described above.

25 43. Meta knows that it is harming teens yet, when faced with recommendations that
 26 would reduce such harms exponentially, Meta's leadership consistently opts for prioritization of
 27 profit over the health and well-being of its teen users.

28 ⁷ <https://www.theverge.com/2012/12/18/3780158/instagrams-new-terms-of-service-what-they-really-mean>

1 44. Meta knows that underage users are on its platform and has deliberately designed
 2 its product in a manner intended to evade parental authority and consent, including but not limited
 3 to Meta's failure to verify age and identity, provision of multiple accounts, marketing aimed at
 4 informing minors that they can open multiple accounts, failure to provide a point of contact for
 5 parents to notify Meta of lack of consent, marketing aimed at children and that encourages children
 6 to use Meta's social media product without consent, and multiple other features and conduct by
 7 Meta which ensures that young users have a means to access Meta's social media products no
 8 matter the circumstances.

9 45. With the exception of circumstances where Meta has tried to publicly save face, its
 10 leadership has quite literally sat back and done nothing in the face of actual knowledge of
 11 unauthorized and underage use of its products. Such use is seen by Meta leadership as a unique
 12 value proposition. It makes Meta more money and Meta leadership is operating under the belief
 13 that there is nothing parents can do about it.

14 46. The Facebook and Instagram products are used by many millions of children every
 15 day, children who have become addicted to these products because of their design and product
 16 features, children like A.F. Meta has locked-in these children to the point where parents
 17 continually try to remove all access to these products without success and/or where they cannot
 18 remove access with risking self-harm, suicide, and other foreseeable consequences of serious
 19 addiction.

20 **B. Meta Designed and Distributed Inherently Dangerous and/or Defective Products to**
 21 **Minors and Failed to Warn**

22 47. Instagram contains countless features that serve no critical purpose relating to
 23 product functionality or a user's ability to access other users' content. While this complaint
 24 addresses known features, on information and belief, there are countless other features and
 25 technologies designed, developed, manufactured, operated, and distributed by Meta that currently
 26 are unknown to Plaintiffs for the simple reason that Meta has concealed the truth and operates with
 27 zero transparency. Upon information and belief, it is in the public interest for this Court to permit
 28 discovery of all such product features and processes. The following describe just some such

features and defective designs.⁸

News Feed, Explore, and other Content Recommendation Products

48. Both the Facebook and Instagram products show users a “feed.” A user’s “feed” is comprised of a series of photos and videos posted by accounts that the user follows, along with advertising and content specifically selected and promoted by Instagram.

49. Meta exerts complete control over a user’s Instagram “feed,” including through certain ranking mechanisms, escalation loops, and/or promotion of advertising and content specifically selected and promoted by Meta based on, among other things, its ongoing planning, assessment, and prioritization of the types of information most likely to increase engagement. In other words, Meta is programming its own targeted advertisements and algorithms in a manner that is causing harm to millions of its users, including A.F.

50. In the case of certain vulnerable user groups, including females under the age of 18, Meta’s programming decisions and actions translate to its deliberate and repeated promotion of harmful and unhealthy content, which Meta has studied and has found to be causing harm to its youngest users – including harms to young female users at rates disproportionate to similarly situated young male users.

51. Over time, Meta made the cost-benefit decision to slowly switch its News Feed in ways that Meta later determined and confirmed as harmful to its users. For example, Meta switched from maximizing time-spent to maximizing sessions, even though it has since determined that maximizing sessions can lead to and cause unhealthy dependencies – particularly among users under 18. Meta also made the cost-benefit decision to not program for user safety, even in the case of minor users, and only adjusts that programming lever when needed to protect Meta itself.

52. Meta’s programming decisions and product designs, *i.e.* recommendation-based feeds and product features, promote harmful content ranging from massive amounts of negative social comparison content to shocking and outrageous content such as hate speech, pornography, child and animal abuse, and even live suicides and/or the glorification of suicide and self-harm

⁸ These are just known examples, and Plaintiff believes that he will identify other examples of harmful product features through discovery in this case.

1 among children and teens. Again, Meta is aware of the impact its programming decisions are
2 having on its youngest users. It simply does not care enough to prioritize user safety over its own
3 revenue and growth objectives.

4 53. In 2021, Senators Richard Blumenthal, Marsha Blackburn, and Mike Lee tested
5 and confirmed the fact that Meta's recommendation-based technologies and product features
6 promote harmful (even discriminatory) content by having several accounts opened while providing
7 information indicating that the users were teenage girls,

8 "Within an hour all of our recommendations promoted pro-anorexia and eating
9 disorder content," Blumenthal said. "Nothing has changed. It's all still happening."

10 Sen. Mike Lee, R-Utah, said his office created an account for a 13 year old girl. Shortly
11 afterward, the algorithm recommended a famous female celebrity to follow and when
12 they did, Lee said, "It went dark fast."

13 The fake account was flooded with content about diets, plastic surgery and other
14 damaging material for an adolescent girl, he said.

15 In another example this week, Blackburn's staff exposed a flaw in Instagram's setting
16 for teens under 16.

17 According to Instagram's policies, new teenage accounts should automatically default
18 to a private setting. But when Blackburn's team set up a phony account for a 15 year
19 old girl, it automatically defaulted to public.

20 Mosseri acknowledged the error, explaining the mistaken default setting was triggered
21 because the account was created on a web browser, as opposed to a mobile app.

22 "We will correct that," he said.

23 See [https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-](https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-brush-aside-his-promises-to-self-poli)
24 [senators-brush-aside-his-promises-to-self-poli](https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-brush-aside-his-promises-to-self-poli).

25 54. Meta has had knowledge of these issues for almost a decade, at the very least, and
26 has had every opportunity to fix them but has not – instead, Meta continued to design and operate
27 its products in a manner meant to maximize user engagement, including at the known expense of
28

1 user safety. Indeed, Meta itself has run the type of tests described by Senator Blumenthal, and
2 Meta's tests have reached the same conclusions: that Meta's products (not third parties posting on
3 Meta's products) are affirmatively identifying and directing children to harmful content, in a
4 harmful and discriminatory way. Meta employees have tried to sound the alarm on these harms,
5 only to be shut down by Meta leadership.

6 55. Meta directly benefits from the harms it is causing, both via increase engagement
7 of third parties and minor users, but also, because Meta is directing harmful advertising content at
8 these same minor users and is then paid by advertisers based on each user to whom it can push
9 such content. On information and belief, Meta develops technologies to maximize its advertising-
10 based revenues, including a product that can estimate with reasonable certainty a user's actual age
11 irrespective of what the user claims when opening their account. Meta utilizes this technology,
12 including to maximize its revenue. For example (and hypothetical) only, if Meta could not
13 determine the actual age of each user, then it would have to report having shown an advertisement
14 to only 8 million female users who self-identify as under 16, rather than 11 million female users
15 who actually are under 16. By developing a product that is able to estimate or determine actual age
16 with reasonable certainty, Meta is able to maximize its advertising revenues. The irony is that Meta
17 then testified before the U.S. Congress that it has no way of knowing when a user is under 13 as it
18 relies on the ages provided on opening of an account – only Meta does have knowledge and has
19 utilized that knowledge to its own benefit on more than one occasion. Meta cannot run internal
20 reports showing “estimated” actual user ages on the one hand, then claim that it has no knowledge
21 regarding actual user ages on the other hand.

22 56. Instagram also has a search feature, called “Explore,” where a user is shown an
23 endless feed of content that is selected by an algorithm designed by Meta based upon the users'
24 demographics and prior activity in the application. Again, Meta designed and operates its product
25 in a manner that promotes harmful and/or unhealthy content. Meta is aware of these inherently
26 dangerous product features and has repeatedly decided against changing them and/or
27 implementing readily available and relatively inexpensive safety measures, for the stated purpose
28 of ensuring continued growth, engagement, and revenue increase.

1 57. Meta also has conducted studies to identify precisely which of its algorithmically
2 promoted content is most harmful to users, and the degree of harm that content causes. *See, e.g.*,
3 “Social Comparison: Topics, celebrities, Like counts, selfies” and “Appearance-based Social
4 Comparison on Instagram.” Despite being able to identify the harmful categories, as well as
5 volume and amplification product defects causing harm, Meta ultimately determined that its
6 promotion of such content is a large part of what makes the Instagram product appealing to teens
7 and decided against changing its current product, irrespective of identified harms.

8 58. Instagram has also added features and promoted the use of short videos and
9 temporary posts. The latter are referred to as “Reels” while the former is referred to as Instagram
10 “Stories.” These products were developed to appeal specifically to minor users, and Meta knows
11 that they contribute to problematic use and other harms suffered by minor users from use of the
12 Instagram product. To name only example, Meta failed to implement standard product features in
13 its Stories product, which reduced the safety of that product to the detriment of a significant
14 percentage of its users – including and primarily minors and persons of color.

15 59. Meta is exerting a degree of manipulation and control over its users via its
16 unchecked technologies that far exceeds anything the world could have contemplated even a
17 decade ago. Meta regularly “experiments” on users—users with no idea that they are being
18 monitored and examined—to test product ideas, but also, to identify mechanisms through which
19 Meta can control user behavior for its own profit. Meta is not targeting millions, thousands, or
20 even hundreds of users in this manner. Instead, its technologies allow it to target every single user
21 simultaneously and on an individual basis, which fact makes its algorithmic and social media
22 products far more dangerous than other products. Additionally, Meta’s programming decisions are
23 aimed to encourage and cause dependencies and harmful levels of use of its products.

24 60. There are tens of thousands if not millions of additional Meta documents and data
25 sources that the world will need to see to fully appreciate and understand how Meta’s products
26 function and what Meta (and its primary competitors in the social media industry) have knowingly
27 done to our children and teens.

28 61. Meta could make its products exponentially safer for minors through any number

1 of quick and inexpensive changes. To name only a few examples,

- 2 a. Meta currently programs its recommendation technologies to prioritize engagement
3 but could program those technologies instead (either generally or specific to
4 accounts used by minors) to prioritize safety.
- 5 b. Meta chooses the speed at which it runs its algorithms and knows that its chosen
6 speed has significant impact on problematic use and resulting sleep deprivation.
7 Meta has analyzed but refused to make small changes to its product speed which,
8 if made at a set time each evening in the case of every account used by minors,
9 would exponentially reduce the difficulties minor users have stopping their use at
10 night and to sleep.
- 11 c. Meta could slow, restrict, or even stop entirely its use of recommendation
12 technologies in connection with minor accounts, any one of which would
13 significantly reduce harms to minor users at nominal cost to Meta.
- 14 d. Meta could collect less or different data from minor users and/or utilize less or
15 different data in connection with minor users, which unilateral changes would
16 significantly reduce harms to minor users at nominal cost to Meta.
- 17 e. Meta could stop approving harmful advertisements and/or restrict or limit the types
18 and frequency of advertisements it directs to minor users, which unilateral changes
19 would significantly reduce harms to minor users at nominal cost to Meta.

20 All of these examples are changes Meta could make in a matter of hours, not days, and it
21 could make these changes across the totality of minor accounts. It would cost Meta almost
22 nothing to make these changes.

23 **Profile Settings**

24 62. Meta's public profile settings are inherently dangerous and defective when utilized
25 in connection with minor users.

26 63. User profiles on Instagram may be public or private, which is a product feature over
27 which Meta exercises complete control. On private profiles, the user's content may only be viewed
28 by the user's followers, which the user must approve. On public profiles, however, any user can

1 view the photos, videos, and other content posted by the user. Worded otherwise, strangers can
2 view and message underage users as they please and without supervision or parental consent.

3 64. During the relevant period, Instagram profiles were public by default and Instagram
4 allowed all users to view, message, friend, send follow requests, etc. to underage users, including
5 and specifically A.F. The public profile default and setting serve no critical purpose in terms of
6 product functionality or users' ability to access content. Rather, Meta determined that public
7 profiles were good for engagement.

8 65. In fact, Meta documents acknowledge that Meta's public profile feature is one of
9 several that results in harms to minor users. While other Meta documents conclude that Meta's
10 public profile feature is good for increasing engagement, particularly during onboarding (when a
11 user first starts using Instagram) as it encourages and facilitates more connections between users
12 who otherwise would not connect. Unfortunately for Meta's youngest users, a significant number
13 of the would-be connections are harmful and/or direct adult predators to children, which facts also
14 are known to Meta.

15 66. At all times relevant, Meta had the ability to default minor accounts (and all
16 accounts where Meta knows or should know that the user is a minor) to private and also the ability
17 to set those accounts to private (not just by default) until the user reaches the age of majority in
18 their state of residence. Meta also had actual knowledge of the harms its profile settings were
19 causing, discussed those harms internally, and opted to do nothing in the interest of engagement
20 and revenue – but at the direct expense of A.F. and her family.

21 **Direct Messaging Product Feature and Access to Vulnerable Users**

22 67. Meta's direct messaging technologies are inherently dangerous and defective when
23 utilized in connection with minor users, and its Direct Message settings permit and encourage harm
24 to vulnerable users.

25 68. Harmful and dangerous interactions occur because of the Instagram and Facebook
26 direct message products and current user settings. Meta's preferred settings provide predators and
27 other bad actors with direct and unsupervised access to children and teens. Meta knows this
28 because, again, it has studied and confirmed that its direct message products are causing harms to

1 a significant number of its minor users. For example, Meta found that its direct messaging product
2 is where most unwanted interactions (referred to by Meta as “UI”) occur, including things like
3 bullying and sexual exploitation of minors. It also determined that by turning off or limiting access
4 to its direct messaging product in the case of minor users, it could significantly decrease those
5 harms. However, it then determined that turning off or limiting access to its direct messaging
6 product in the case of minor users could have a negative impact on engagement and revenue – for
7 example, if some adult users are not able to find and obtain access to minors through the Instagram
8 and Facebook products, they might use a different social media product instead. Likewise, if minor
9 users are not able to make “friends” with complete strangers through the Instagram and Facebook
10 products, *they* might use a different social media product instead. Meta opted for engagement over
11 user safety, once again.

12 69. Meta’s direct-messaging products provide other users—including anonymous and
13 semi-anonymous adult users, bullies, and any other stranger for whom a parent would not allow
14 access—with unrestricted and unsupervised access to minor users. Minor users lack the cognitive
15 ability and life experience to identify online grooming behavior by prurient adults and the
16 psychosocial maturity to decline invitations to exchange salacious material and mass-messaging
17 capabilities. Meta allows direct messaging with and by minors without parental notification.

18 70. Meta had actual knowledge that restricting its settings in the case of minor accounts
19 would protect minors from unwanted interactions but opted to not restrict those settings in favor
20 of allowing children to engage with strangers – which engagement Meta sees as positive to its
21 bottom line. Had Meta made the product change it considered when it considered it, the dozens of
22 adult male users who exploited and abused A.F. would have been unable to do so for the simple
23 reason that they would have had no way to secretively reach out to her and then engage in the
24 extensive exploitation, abuse, and commercial sex acts that they used Meta’s direct messaging
25 products to accomplish.

26 **User Recommendation Product**

27 71. Meta employs recommendation technologies that affirmatively send
28 recommendations to users regarding people or groups they should “friend,” join, or otherwise

1 connect. In the case of user recommendations, Meta calls this product “People You May Know”
2 (for Facebook) and “Suggested for You” (for Instagram). Whatever the name, these technologies
3 and specific Meta products function by taking user data and other information obtained through
4 Defendants’ data collection technologies (including information such as age, gender, on-platform
5 and off-platform activities, usage history, habits, interactions with others, and countless other data
6 points) and then using that information to identify and affirmatively direct users to one another via
7 recommendations that the users connect, follow, friend, add, or otherwise.

8 72. Meta’s user recommendation products are good for Meta’s engagement, including
9 because they help users connect with other users with whom they otherwise would not connect.
10 *See* discussion, *supra*, re: user connections during onboarding.

11 73. However, and as Meta knows, its user recommendation technology also facilitates
12 and contributes to much of the adult/minor grooming and exploitation that occurs on its products.
13 These are findings Meta itself has made. To be clear, this means that Meta’s People You May
14 Know (“PYMK”) and Suggested for You (“SY”) products (collectively “PYMK/SY”) are
15 affirmatively finding, recommending, and connecting predatory adult users to vulnerable minors,
16 that those predators are then able to use Meta’s products (for example, its Direct Messaging
17 product) to exploit and abuse those children, that Meta knows that its product is causing these
18 horrific outcomes, and that Meta made a cost-benefit decision regardless to continue the use of its
19 PYMK/SY products in connection with minor accounts.

20 74. Meta knows that the more strangers it can connect (including connecting adults to
21 children) the more money it will make and the more locked-in its users will become.

22 75. The same general concepts are true for group recommendation algorithms, in that
23 Meta has actual knowledge that it is programming its product in a manner that recommends and
24 amplifies harmful groups but has not made its product safer for the simple reason that Meta
25 leadership prioritizes engagement and growth above user safety. Meta documents confirm that
26 Meta manipulates its users to push them into joining groups for its own benefit and without regard
27 to whether its users are searching for such connections. Meta also identifies “hold outs,” that is,
28 users who are not likely to join Meta’s recommended groups no matter what Meta does to push

1 them in that direction.

2 **Push Notifications and Emails**

3 76. Meta's push notifications and emails encourage addictive behavior and are
4 designed specifically to increase use of its Instagram and Facebook products.

5 77. Based on individualized data Meta collects, it selects content and notification
6 frequency for its users and notifies them via text and email. Meta's notifications to individual users
7 are specifically designed to, and do, prompt them to open Meta's social media products and view
8 the content Meta selected, thereby increasing sessions and profits to Meta. Meta drafts and decides
9 on the language of these notifications. More to the point, even the format of Meta's notifications
10 has been designed and re-designed with the specific purpose of pulling users back onto the social
11 media platform—irrespective of a user's health or wellbeing. For example, instead of telling a user
12 what someone on their "friends" list said, Meta will create and push a vague and enticing message
13 to the user to maximize the likelihood that the user will log back onto its product. Meta creates
14 and sends messages like "There are comments on [your friend]'s post you may have missed."
15 Meta's wording of these notifications is deliberate.

16 78. Meta also programs its push notification products to send more notifications to the
17 users most likely to take the bait, that is, to its most dependent users, and Meta makes the business
18 decision to send these notifications in excessive amounts and at disruptive times of the day, even
19 in the case of accounts being used by minors.

20 **Meta's Ownership and/or Licensing Rights in all User Content**

21 79. Meta also creates images and GIFs for users to post on their videos and pictures.
22 Meta has acquired publishing rights to thousands of hours of music, which it provides to its users
23 to attach to the videos and pictures that they post on Instagram. The GIFs, images, and music are
24 integral to the user's Instagram post and are, in fact, designed to encourage posting. Indeed, in
25 many cases, the only content in a user's Instagram post is the image, GIF, or music supplied by
26 Meta. When users incorporate images, GIFs, and music supplied by Meta into their postings, Meta
27 is functioning as a co-publisher of such content. An Instagram user who incorporates images, GIFs,
28 or music supplied by Meta into their post is functionally equivalent to a novelist who incorporates

illustrations into their story. Instagram can no longer characterize the images, GIFs, and music it supplies to its users as third-party content, just as the novelist cannot disclaim responsibility for illustrations contained in their book. Meta has made the deliberate decision to collaborate with its users in this regard and, as evidenced by Meta's internal documents, Meta's decision is motivated by the fact that such collaboration results in increased engagement and more profits for Meta itself.

80. Meta also has legal rights in all third-party content, such that it is not "third-party content" at all. In 2012, Meta revised its Instagram Terms of Service to the following,⁹

To help us deliver interesting paid or sponsored content or promotions, you agree that a business or other entity may pay us to display your username, likeness, photos (along with any associated metadata), and/or actions you take, in connection with paid or sponsored content or promotions, without any compensation to you.

81. Its more recent terms (effective January 4, 2022) are different, but still grant Meta the right to use all third-party content at Meta's sole and unilateral discretion,

- **We do not claim ownership of your content, but you grant us a license to use it.** Nothing is changing about your rights in your content. We do not claim ownership of your content that you post on or through the Service and you are free to share your content with anyone else, wherever you want. However, we need certain legal permissions from you (known as a "license") to provide the Service. When you share, post, or upload content that is covered by intellectual property rights (like photos or videos) on or in connection with our Service, you hereby grant to us a non-exclusive, royalty-free, transferable, sub-licensable, worldwide license to host, use, distribute, modify, run, copy, publicly perform or display, translate, and create derivative works of your content (consistent with your privacy and application settings). This license will end when your content is deleted from our systems. You can delete content individually or all at once by deleting your account. To learn more about how we use information, and how to control or delete your content, review the [Data Policy](#) and visit the [Instagram Help Center](#).

82. Meta directly profits from the videos and pictures its users create in collaboration with Meta, as described above.

Marketing to Kids, Social Comparison, and Other Addictive Product Features

83. Instagram also incorporates several unique product features that serve no functional purpose, but that do make Meta's product more appealing to children and teens (*i.e.*, "likes" and

⁹ <https://www.theverge.com/2012/12/18/3780158/instagrams-new-terms-of-service-what-they-really-mean>

1 filters, as well as avatars, emojis, and games) while simultaneously increasing social comparison
2 pressure and resulting harm (*i.e.*, “likes” and filters). Meta knows that these product features
3 disproportionally harm teen girls and young women, yet Meta leadership—singularly focused on
4 its economic bottom line—repeatedly rejected product change recommendations that would have
5 protected A.F (and millions of similarly situated children) against these harms.

6 84. One example involves extensive testing Meta performed on its “like” button
7 feature. Meta determined that its “like” product feature is a source of social comparison harm for
8 many of its users. This is not surprising given that several of the Meta employees involved in
9 creating that feature have since left Meta and have spoken publicly about the product’s addictive
10 nature and harmfulness.¹⁰ What is surprising, however, is that Meta identified the harmful feature
11 (the “like” button) and ran experiments (called “Project Daisy”) to see whether hiding the feature
12 completely (called, “Pure Daisy”) would reduce the harms, found that it would in fact reduce the
13 harms and in statistically significant numbers when it came to teen users, then made the business
14 decision to not launch Pure Daisy for fear that hiding “likes” would result in lower engagement
15 and anger advertisers. Meta leadership chose profit over the health and well-being of teens.

16 85. Likewise, Meta has conducted internal studies that identify the types of harmful
17 content Meta identifies and directs to users – and in greater numbers to young, female users. To
18 be clear, these social comparison harms that result from the content Meta is force feeding its users
19 is not caused by any single piece of third-party content. As Meta itself has acknowledged, the harm
20 arises primarily from the manner and volume at which Meta directs this content to its users.

21 86. Instagram also is designed around a series of features that do not add to the
22 communication utility of the application, but instead seek to exploit minor users’ susceptibility to
23 persuasive design and unlimited accumulation of unpredictable and uncertain rewards.
24 Examples of this include but are not limited to “likes,” “followers,” algorithm-controlled feed, and
25 unlimited scrolling features.

26 87. Meta’s selection and recommendation technologies select content for minor users
27 for the purpose of habituating users to the Instagram product. These technologies create addiction
28

¹⁰ See, *e.g.*, <https://www.theguardian.com/technology/2017/oct/05/smartphone-addiction-silicon-valley-dystopia>.

1 in minor users on a content-neutral basis by adapting to promote whatever content will trigger
2 minor users' engagement and maximize their screen time.

3 88. Meta knows that it is harming teens yet, when faced with recommendations that
4 will reduce such harms, Meta's leadership consistently opted for prioritization of profit over the
5 health and well-being of its teen users—that is, the millions of teen users who continue to use its
6 inherently dangerous and defective social media product every single day.

7 89. Further, while each of the above products is dangerous alone, they are substantially
8 more dangerous when combined. For example, Meta's direct-messaging products are more
9 dangerous when coupled with Meta's failure to verify age, identify, and parental consent and its
10 provision of accounts to minors for which parents have no knowledge (or means to monitor) and
11 do not consent. Likewise, its direct-messaging products are more dangerous when combined with
12 Defendants' public profile and recommendation features. These types of products connect
13 complete strangers. They serve no purpose as to platform functionality or the ability to access
14 content posted by others, but they do increase Meta's engagement (and profits) by serving up
15 photos of minors to complete strangers then providing those same strangers with unsupervised
16 access to those minors.

17 **C. Instagram and Its Product Features are Products**

18 90. Meta's social media products and features are designed to be used by minors and
19 are actively marketed to minors across the United States. Meta markets to minors through its own
20 marketing efforts and design. But also, its works with and actively encourages advertisers to create
21 ads targeted that appeal to teens, and even children under the age of 13.

22 91. Meta spends millions of dollars researching, analyzing, and experimenting with
23 young children to find ways to make its products more appealing and addictive to these age groups,
24 which are seen by Meta as key to profitability and market dominance.

25 92. Meta is aware that large numbers of children under the age of 18 use its Instagram
26 product without parental consent. It designs its products in a manner that allows and/or does not
27 prevent such use to increase user engagement and, thereby, its own profits

28 93. Meta is aware that large numbers of children under the age of 13 use its Instagram

1 product despite user terms or “community standards” that purport to restrict use to individuals who
2 are 13 and older. It has designed its products in a manner that allows and/or does not prevent such
3 use to increase user engagement and, thereby, its own profits.

4 94. In fact, Meta has actual knowledge as to the age of each user, irrespective of what
5 age a user states when opening an account. Meta obtains this knowledge through its extensive
6 collection of user and device data, which includes information relating to on and off-platform
7 activities, as well as other types of data Meta is collecting without its user’s actual knowledge.
8 Meta also has developed and employs technologies that estimate with reasonable certainty each
9 user’s actual age and utilizes those technologies to its own benefit, *i.e.* in connection with
10 marketing and advertising, while ignoring the same data when it comes to ensuring that it does not
11 provide access to its product to minors.

12 95. Meta has patented several aspects of its technologies and Instagram product
13 features and refers extensively to its Instagram product and product features as products.

14 **D. Meta’s Business Model is Based on Maximizing User Screen Time**

15 96. Meta advertises its products as “free,” because it does not charge its users for
16 downloading or using them. What many users do not know is that, in fact, Meta makes a profit by
17 finding unique and increasingly dangerous ways to capture user attention and target advertisements
18 to its users. Meta receives revenue from advertisers who pay a premium to target advertisements
19 to specific demographic groups – with minors being Meta’s most lucrative demographic. Meta
20 also receives revenue by selling its users’ data to third parties.

21 97. The amount of revenue Meta receives is based upon the amount of time and level
22 of user engagement on its platforms, which directly correlates with the number of advertisements
23 that can be shown to each user.

24 98. Meta uses various product features and designs to prompt users to consume its
25 Instagram social media product in excessive and dangerous ways. Meta knows that its designs
26 have created extreme and problematic usage by a significant percentage of all users. In fact, Meta
27 has studied social media addiction (reframed internally by Meta as problematic use) extensively
28 and for many years. Meta has actual knowledge of the estimated percentage of users who engage

1 in problematic use of its products, of usage patterns highly indicative of problematic use, and of
2 the fact that its minor users are more susceptible to such problematic use and resulting harms.

3 99. Meta knowingly and purposefully designed its Instagram product to encourage such
4 problematic use. It designed Instagram around a series of features that do not add to the
5 communication utility of the product, but instead seek to exploit minor users' susceptibility to
6 persuasive design. This is referred to as "engineered addiction," and examples include features
7 like bottomless scrolling, continuous loop feed and push notifications, which incentivize users to
8 stay on the product as long as possible and convinces them to log back on. It also includes product
9 features such as likes, followers, tagging, notifications, and live stories, which features are
10 designed to maximize engagement at the expense of user health and well-being. And Instagram's
11 "pull to refresh" is based on how slot machines operate. Pull to refresh creates an endless feed,
12 designed to manipulate brain chemistry, and prevent natural end points that would otherwise
13 encourage users to move on to other activities. These are just some examples of Meta designs that
14 are unreasonably dangerous to the mental well-being of underage users' developing minds.

15 100. According to industry insiders, Meta has employed thousands of psychologists and
16 engineers to help make its products maximally addicting.

17 101. Again, the amount of revenue Meta receives is based upon the amount of time and
18 user engagement on its product, which directly correlates with the number of advertisements that
19 can be shown to each user. Thus, Meta opts for user engagement over the truth and user safety.

20 102. Meta knows that its Instagram product is addictive, and that millions of teen users
21 want to stop using Instagram but cannot. Meta has known this for years and continued to stay the
22 course regardless of and despite safety concerns voiced by Meta's own employees.

23 103. Meta does not warn users of the addictive design of its product. On the contrary,
24 Meta leadership actively and extensively concealed the dangerous and addictive nature of its
25 products, lulling users, parents, and world governments into a false sense of security. Meta
26 consistently played down Facebook and Instagram's negative effects on teens in public statements
27 and advertising, made false or materially misleading statements concerning product safety, and
28 refused to make its research public or available to academics or lawmakers who asked for it.

104. For example, in or around July 2018, Meta told BBC News that “at no stage does wanting something to be addictive factor into” its product design process.

105. Meta similarly told U.S. Senators in November 2020 that “We certainly do not want our products to be addictive.” Yet, Meta product managers and designers attended and even presented at an annual conference held in Silicon Valley called the Habit Summit, the primary purpose of which was to learn how to make products more habit-forming.

106. Meta has spent billions of dollars marketing its products to minors and has deliberately traded in user harm for the sake of its already astronomical revenue stream.

E. Meta Has Designed Complex Algorithms to Addict Teen Users

107. Meta has intentionally designed its Instagram product to maximize users’ screen time, using complex algorithms designed to exploit human psychology and driven by the most advanced computer algorithms and artificial intelligence available to one of the largest technology companies in the world.

108. Meta’s recommendation systems select content for minor users not based on what they anticipate the user will prefer or to enhance their social media experience, but rather for the express purpose of habituating users to the Instagram product. Meta’s algorithms do not provide a neutral platform but rather specify and prompt the type of content to be submitted and determine particular types of content its systems promote.

109. In the words of one, high-level departing Meta employee:

In September 2006, Facebook launched News Feed. In October 2009, Facebook switched from chronological sorting to an algorithmic ranking. 10 years later, in July 2019, Sen. Josh Hawley introduced a bill to the US Senate that would ban features in app feeds, such as infinite scroll.

The response in 2006 was largely positive; the response in 2009 was negative from a vocal minority, but still largely positive; the response in 2019 was largely “lol, wut?” If I had to guess, the response to government regulation around engagement centric information feeds in 2026 will be “Omg finally”.

1 “Why We Build Feeds” (October 4, 2019), at p. 1.¹¹

2 110. Meta designed and has progressively modified its Instagram product to promote
3 problematic and excessive use that it knows is indicative of addictive and self-destructive use. One
4 of these features is the use of a complex recommendation system to select and promote content
5 that is provided to each Meta user in an unlimited and never-ending “feed.” Meta is aware that its
6 algorithm-controlled feed promotes unlimited “scrolling”—a type of use those studies have
7 identified as detrimental to users’ mental health—however, this type of use allows Meta to display
8 more advertisements and obtain more revenue from each individual user.

9 111. Meta also knows that content that generates extreme psychological reactions in
10 minor users is more likely to trigger their engagement than content that is benign. Despite this
11 knowledge, Meta has made the calculated business decision to program its algorithm-controlled
12 technologies to promote to minor users the content most likely to increase engagement. This
13 content is selected not just based on individual users’ viewing history but also on the viewing
14 history of their linked friends, and hundreds if not thousands of data points Meta has collected
15 about each of its users. In short, once Meta hooks its minor users on a content neutral basis, it then
16 identifies and pushes psychologically stressful content to its minor users deliberately. Meta knows
17 that it is programming its technologies in this manner, and that this content is causing harm to a
18 significant number of its minor users, but Meta leadership has refused to undertake simple steps
19 that would reduce these harms in the context of its minor users. To be clear, Meta has discussed
20 and considered various product changes, has actual knowledge that even small changes in how it
21 programs and operates its products (*i.e.* changing the speed at which it directs content to minor
22 user accounts) would have exponential positive impact for its minor users, and yet, Meta leadership
23 continues to prioritize profits over the health and wellbeing of its youngest users.

24 112. Meta leadership values revenue and growth over the safety of the children and
25 teens using its product and is operating under the fiction that it cannot be held accountable for
26 these decisions – no matter how many children have been harmed or have died as a result.

27 113. The addictive nature of Meta’s Instagram product and the complex and
28

¹¹ https://www.documentcloud.org/documents/21600853-tier1_rank_exp_1019

1 psychologically manipulative design of its algorithms is unknown to ordinary consumers.

2 **F. Minor Users' Incomplete Brain Development Renders Them Particularly**
3 **Susceptible to Manipulative Algorithms with Diminished Capacity to Eschew Self-**
4 **Destructive Behaviors and Less Resiliency to Overcome Negative Social Media**
5 **Influences**

6 114. The human brain is still developing during adolescence in ways consistent with
7 adolescents' demonstrated psychosocial immaturity. Specifically, adolescents' brains are not yet
8 fully developed in regions related to risk evaluation, emotional regulation, and impulse control.

9 115. The frontal lobes—and in particular the prefrontal cortex—of the brain play an
10 essential part in higher-order cognitive functions, impulse control, and executive decision-making.
11 These regions of the brain are central to the process of planning and decision-making, including
12 the evaluation of future consequences and the weighing of risk and reward. They are also essential
13 to the ability to control emotions and inhibit impulses. MRI studies have shown that the prefrontal
14 cortex is one of the last regions of the brain to mature.

15 116. During childhood and adolescence, the brain is maturing in at least two major ways.
16 First, the brain undergoes myelination, the process through which the neural pathways connecting
17 different parts of the brain become insulated with white fatty tissue called myelin. Second, during
18 childhood and adolescence, the brain is undergoing “pruning”—the paring away of unused
19 synapses, leading to more efficient neural connections. Through myelination and pruning, the
20 brain's frontal lobes change to help the brain work faster and more efficiently, improving the
21 “executive” functions of the frontal lobes, including impulse control and risk evaluation. This shift
22 in the brain's composition continues throughout adolescence and into young adulthood.

23 117. In late adolescence, important aspects of brain maturation remain incomplete,
24 particularly those involving the brain's executive functions and the coordinated activity of regions
25 involved in emotion and cognition. As such, the part of the brain that is critical for control of
26 impulses, emotions, and mature, considered decision-making is still developing during
27 adolescence, consistent with the demonstrated behavioral and psychosocial immaturity of
28 juveniles.

118. The recommendation technologies in Meta's Instagram product are designed to exploit minor users diminished decision-making capacity, impulse control, emotional maturity, and psychological resiliency caused by users' incomplete brain development. Meta has actual knowledge that because its minor users' frontal lobes are not fully developed, they experience enhanced dopamine responses to stimuli on Meta's social media platforms and are therefore much more likely to become addicted to Meta's products; exercise poor judgment in their social media activity; and act impulsively in response to negative social media encounters.

119. Meta has quite literally studied the age and stage of brain development in minors in connection with product design and marketing efforts and makes calculated business designs designed to exploit those vulnerabilities.

120. Meta has also designed and progressively modified its Instagram product to promote problematic and excessive use that it knows is indicative of addictive and self-destructive use. Instagram's product features are designed to be and are addictive and harmful in themselves, without regard to any content that may exist on Meta's platforms.

G. Meta Misrepresents the Addictive Design and Effects of its Social Media Products

121. At all times relevant, Meta has advertised and represented that its Instagram product is appropriate for use by teens and has stated in public comments and statements that its product is not addictive and was not designed to be addictive. Meta knows that those statements are untrue.

122. Meta did not warn users or their parents of the addictive and mentally harmful effects that the use of its product was known to cause amongst minor users. Meta also did not warn users, or their parents of the harms caused by Meta's chosen profile settings, direct messaging products, programming decisions, and other features Meta utilizes for the sole purpose of increasing its own engagement and revenue. On the contrary, Meta has gone to significant lengths to conceal and/or avoid disclosure of the true nature of its product. The following are only some examples.

123. Meta's marketing, promotions, and advertisements contained deceptive and/or misleading statements, implications, images, and portrayals that the Meta products are safe, improve social connectivity, and improve the mental and physical health of its users. For example,

1 in February of 2017, Facebook founder and CEO, Mark Zuckerberg, posted a manifesto on his
 2 Facebook page titled “Building Global Community,” in which he talked at length about how Meta
 3 is focused on safety, how it intends to use its AI to the fullest to keep users safe, and how amazing
 4 its social media products are for bringing communities together and promoting critically important
 5 social groups.

6 124. In April of 2018, Meta founder and CEO Mark Zuckerberg testified under oath to
 7 Congress that Meta does not design its products to be addictive and that he is not concerned with
 8 social media addiction as it relates to teens. He stated:

9 I view our responsibility as not just building services that people like but as
 10 building services that are good for people and good for society as well ... we
 11 study a lot of effects of well-being, of our tools, and broader technology, and
 12 like any tool there are good and bad uses of it. What we find in general is that
 13 if you are using social media to build relationships then that is associated with
 all the long term measures of well-being that you’d intuitively think of ... but
 if you are using the internet and social media to just passively consume
 content and are not engaging with other people then it doesn’t have those
 positive effects and it could be negative.¹²

14 125. In November of 2020, Mark Zuckerberg again testified under oath to Congress that
 15 Meta does not design its products to be addictive and that research on addictiveness of social media
 16 has not been conclusive.¹³

17 126. In March of 2021, Mark Zuckerberg testified under oath to Congress that Instagram
 18 is not addictive and that it does not cause harm to children and teens.¹⁴

19 127. On September 30, 2021, Meta’s Head of Safety, Antigone Davis, testified under
 20 oath to Congress that Instagram is not addictive¹⁵ and repeatedly denied the existence of causal
 21 research regarding harms to teens from Instagram use and testified that Meta’s overreaching goal
 22 is child safety: “We work tirelessly to put in place the right policies, products, and precautions so
 23 [young users] have a safe and positive experience.”¹⁶

24
 25 ¹² <https://www.youtube.com/watch?v=AB4mB-K7-xY>

26 ¹³ <https://www.tampafp.com/great-news-facebook-is-not-designed-to-be-addictive-according-to-zuckerberg/>

27 ¹⁴ <https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-20210325.pdf>, at p.
 28 67, 107, 175.

¹⁵ <https://www.rev.com/blog/transcripts/facebook-head-of-safety-testimony-on-mental-health-effects-full-senate-hearing-transcript> (“Sept. 30, 2021, Senate Hearing Transcript”), at 2:06:35; *see also id.* at 02:07:44 and 02:07:59 (Ms. Davis also denied that Meta’s business model includes getting users engaged for longer amounts of time).

¹⁶ *Id.* at 24:58, 01:47:29, 1:48:07, 1:48:20, 2:10:47, 33:46, and 40:41.

128. On December 8, 2021, Instagram’s president Adam Mosseri provided written testimony and testified under oath to Congress that Instagram is not addictive¹⁷ and he downplayed the significance of the documents disclosed by the Facebook Whistleblower, characterizing Meta’s numerous studies as involving input from small numbers of teens and not measuring “causal relationships between Instagram and real-world issues.”¹⁸ He testified that Meta’s overarching goal is child safety.¹⁹

129. Meta’s Terms of Use also represent that Meta is “Fostering a positive, inclusive, and safe environment,” and represent that Meta uses its “teams and systems ... to combat abuse and violations of our Terms and policies, as well as harmful and deceptive behavior. We use all the information we have—including our information—to try to keep our platform secure.”

130. The sheer volume and specificity of these statements are indicative and reflective of the lengths to which Meta leadership was willing to go to deceive and/or mislead a substantial percentage of the global population. Meta leadership fed these sorts of deceptive and/or misleading statements to the public for years, to convince people that its products were safe for use by children and teens. When in fact, Meta knew that its products were not safe. Meta knew that its products are addictive and harmful to a significant portion of users, including teen and pre-teen girls.

131. Meta’s public statements and other marketing and advertising materials failed to disclose the truth, in fact, Meta has gone to considerable lengths to conceal the truth. This includes creating a corporate culture that convinced thousands of Meta employees that if they went public with what they knew they would lose their careers, no one would believe them, and/or that Meta would then lock down internal communications in a manner that would make it impossible for the employees left behind to work toward effectuating change from the inside. When in fact, Meta never intended to allow change from the inside. It intended to pursue engagement and growth at the expense of human lives and did everything it could to hide these facts from the world.

¹⁷ <https://www.commerce.senate.gov/2021/12/protecting-kids-online-instagram-and-reforms-for-young-users>, recording of December 8, 2021 Senate Hearing.

¹⁸ <https://www.commerce.senate.gov/services/files/3FC55DF6-102F-4571-B6B4-01D2D2C6F0D0>, written Testimony of Adam Mosseri, Head of Instagram, dated December 8, 2021.

¹⁹ <https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-brush-aside-his-promises-to-self-poli>

1 132. Meta lied about the harm its products are causing.

2 133. Meta's omissions were also misleading and deceptive in every respect, for example,
3 talking about how its social media products make some users' lives better and ignoring the fact
4 that its products are causing serious (even fatal) harms to other users. Meta has an internal term,
5 SSI, which it uses for the harms of Suicide and Self-Injury. Meta was internally discussing the fact
6 that its product worsens and causes Suicide and Self-Injury in some of its youngest users yet failed
7 to disclose and actively concealed this information.

8 134. In September of 2017, former Meta CEO, Sheryl Sandberg, was asked about a Meta
9 product that enabled advertisers to target users with offensive terms. In response, Meta CEO,
10 Sheryl Sandberg, apologized and vowed that the company would adjust its ad-buying tools to
11 prevent similar problems in the future. She also represented that "We never intended or anticipated
12 this functionality being used this way — and that is on us."²⁰

13 135. What the former Meta CEO deliberately failed to mention was that the identified
14 product defect was among the less harmful of countless defects known to Meta at that time. She
15 failed to tell the public that Meta was aware of the harms its products were causing, including
16 Suicide and Self-Injury harms and product features that were actively contributing to the
17 occurrence of sexual exploitation and abuse of minors on Meta's platforms, but refused to
18 implement safety tools and other cost-effective fixes for fear of decreasing engagement and, in
19 turn, corporate profits.

20 136. Meta failed to disclose, and spent years actively concealing, the fact that its social
21 media products cause addiction, sleep deprivation, anxiety, depression, anger, self-harm, suicidal
22 ideation, and suicide, among other harms, and that its products encourage, abet, enable, and
23 facilitate the sexual exploitation and abuse of minor users. All of these harms were known to Meta.
24 Meta not only failed to warn users and their parents of these harms but did everything it could to
25 convince the world that they did not exist.

26
27
28

²⁰ <https://www.nytimes.com/2017/09/21/technology/facebook-frankenstein-sandberg-ads.html>

H. Plaintiff Expressly Disclaims Any Claim That Meta is Liable as the Publisher or Speaker of Any Content Provided, Posted, or Created by Third Parties

137. Plaintiffs seek to hold Meta accountable for its own alleged acts and omissions. Plaintiffs' claims arise from Meta's status as a designer, marketer, and distributor of dangerously defective social media products, as well as Meta's own statements and actions, and not as the speaker or publisher of third-party content.

138. Meta affirmatively promotes, encourages, and/or otherwise contributes to the development of harmful content, as revealed in an October 2021 Senate Hearing involve Meta's own documents. Those documents revealed that,

- a. Meta approves of ads that contain harmful content, for example, "designed to encourage and promote anorexia" and encourage children to abuse prescription or illegal drugs, which ads Meta then targets specifically at children in exchange for payment.
- b. Meta utilizes private information of its minor users to "precisely target [them] with content and recommendations, assessing what will provoke a reaction," including encouragement of "destructive and dangerous behaviors." Meta specifically selects and pushes this harmful content, for which it is paid, to increase user engagement. "That's how Meta can push teens into darker and darker places." (Senator Blumenthal, October 5, 2022).
- c. Meta knows that its "amplification algorithms, things like engagement-based ranking ... can lead children from very innocuous topics like healthy recipes ... all the way from just something innocent like healthy recipes to anorexia promoting content over a very short period of time." Meta has knowledge that it is programming and distributing its products in a manner that is harmful to young users and chooses "profits over safety."

139. Meta designed and has progressively modified its Instagram product to promote problematic and excessive use that it knows to be indicative of addictive and self-destructive use. The Instagram product is designed to be and is addictive and harmful in itself, without regard to

1 any content that may exist on Instagram.

2 140. Meta's public profile and direct messaging products are, standing alone, harmful to
3 minor users irrespective of content third parties may be posting on Meta's platform. Meta has
4 studied and is aware of these harms and opted against suggested and known product changes in
5 favor of engagement and growth.

6 141. Meta's user recommendation product is, standing alone, harmful to minor users
7 (and helpful to predatory, adult users) irrespective of content third parties may be posting on
8 Meta's platform. Meta has studied and is aware of these incredible harms – which include
9 solicitation, grooming, and abuse of children – and opted against suggested and available product
10 changes in favor of engagement and growth.

11 142. Meta's content recommendation technologies and the engagement-based
12 programming decisions Meta makes in its operation of those technologies (including but not
13 limited to the speed at which Meta operates the technologies, times of days during which it operates
14 them, data it uses to operate them, and similar features controlled and operated entirely by Meta
15 with no transparency outside of Meta) are, standing alone, harmful to minor users irrespective of
16 content third parties may be posting on Meta's platform.

17 143. Meta has studied and is aware of these incredible harms – which include but are not
18 limited to dependance on Meta's social media products and Meta's identification, amplification,
19 and direction of harmful content to minors who are dependent on Meta's social media products –
20 and opted against suggested and known product changes in favor of engagement and growth.

21 144. Meta's "like" button and programming decisions (which result, among other things,
22 in the directing of exponentially high amounts of harmful social comparison content to young,
23 female users) are, standing alone, harmful to minor users irrespective of content third parties may
24 be posting. Meta has studied and is aware of these harms and opted against suggested and known
25 product changes in favor of engagement and growth.

26 145. Meta also has actual knowledge that it is has designed its Instagram product in a
27 manner that interferes with parental rights and results in Meta's unauthorized distribution of its
28 products to minors absent parental knowledge and consent. Meta not only has actual knowledge –

1 it has studied and implemented product changes intended to encourage such unauthorized use by
2 minors. This includes but is not limited to ignoring actual knowledge data Meta has about underage
3 users (*i.e.* users under 13), including A.F. It also includes product changes Meta made for the
4 purpose of making it easier to open and access multiple accounts, as well as marketing Meta
5 pursued for purposes such as letting minors know that they can open multiple accounts, utilizing
6 its teen users to recruit those users' underage siblings and then finding ways to reach those same
7 underage children outside of and around their older siblings' influence so that Meta could
8 encourage greater use of its products than what those children's older siblings were modelling.

9 146. Meta has no limit when it comes to targeting and exploiting children – except, of
10 course, when it comes to the children of its principals and designers, who are often restricted or
11 prohibited by their parents from using Meta's harmful social media products.

12 147. None of Plaintiffs' Claims for Relief set forth herein treat Meta as a speaker or
13 publisher of content posted by third parties. Rather, Plaintiff seeks to hold Meta liable for its own
14 speech and its own silence in failing to warn of foreseeable dangers arising from anticipate use of
15 its products. Meta could manifestly fulfill its legal duty to design a reasonably safe social product
16 and furnish adequate warnings of foreseeable dangers arising out of the use of its Instagram
17 product without altering, deleting, or modifying the content of a single third- party post or
18 communication. Some examples include,

19 148. Not using its addictive and inherently dangerous recommendation technologies in
20 connection with any account held by a user under 18.

21 149. Not permitting any targeted advertisements to any user under 18.

22 150. Prioritizing internally its existing programming when it comes to content pushed to
23 users as well as enforcement of its own terms of service and communicate standards, and so that
24 it errs on the side of limiting the amplification of harmful content and enforcement of its own terms
25 and standards, rather than its current programming and product decisions which are focused on
26 engagement and growth.

27 151. Requiring identification upon opening of a new account, requiring parental consent
28 for users under the age of 18, and restricting users under the age of 18 to a single account.

1 152. Requiring verification of email and phone number when a user opens a new
2 account. Not requiring verification allows underage users to access these social media products
3 and does not stop bad actors.

4 153. Immediate suspension of accounts where Meta have reason to know that the user is
5 under the age of 13, including when the user declares that they are under the age of 13 in their bio
6 or comments or chats and/or messages with any third party and where Meta can determine an
7 “estimated” age of under 13 based on other information it already collects and/or has in its
8 possession; and not allowing the account to resume until the user provides proof of age and identity
9 and/or parental consent.

10 154. Suspension of accounts and, in some cases, user bans, where Meta has reason to
11 know that the user is over the age of 18, but where they are providing information to suggest that
12 they are minors and/or are representing themselves as minors to other users; and not allowing the
13 account to resume until the user provides proof of age and identity.

14 155. Removing social comparison product features and/or re-designing or hiding those
15 features in ways Meta’s own studies have confirmed as reducing harmful impact on teen users.

16 156. Instituting advertising safeguards to ensure that Meta is not profiting directly from
17 or otherwise pushing or endorsing harmful advertising content and removing advertising targeting
18 tools so that advertisers cannot harm vulnerable user groups by aiming harmful advertisements at
19 them.

20 157. Requiring that all teen user accounts be set to private and not allowing any user
21 under the age of 18 to change user settings to public.

22 158. Programming all recommendation systems used in connection with minor accounts
23 to prioritize safety instead of engagement, and/or restricting or disabling user and group
24 recommendation systems in connection with minor accounts (so, not recommending to teen users,
25 but also, not recommending teen users to adults).

26 159. Restricting and/or disabling direct messaging in connection with users under the
27 age of 18.

28 160. Restricting and/or disabling inherently dangerous product features within the direct

1 messaging product and for uses under the age of 18, including features like disappearing and live
2 photo and video capabilities.

3 161. Not collecting data or certain data types from minor users and not using certain data
4 types when programming recommendation technologies Meta utilizes in connection with minor
5 accounts.

6 162. Any number of quick programming changes that Meta knows would have a
7 significant impact on the health and well-being of minor users, for example only, reducing
8 programming speed in the evenings or restricting access by minors altogether from 11 pm until 6
9 am.

10 163. Not creating and sending push notifications or other communications designed to
11 encourage excessive use of Meta's product to any user under 18, and/or imposing limits on the
12 number Meta creates and sends to such users.

13 164. Limiting the number of times Meta's Instagram product can be installed on a given
14 device in a specified amount of time (which would prevent minors from uninstalling and re-
15 installing the Instagram product on their cell phone to conceal use from their parents).

16 Again, these are just some examples. On information and belief, Meta leadership has already
17 received hundreds if not thousands of recommendations from its own employees as to how it can
18 make its products safer for its users. Meta leadership has opted to shelve those recommendations,
19 and dusts them off only when and if the general public reports on a particular harm – at which
20 time, Meta claims that it could not have foreseen the harm in an effort to save itself from the
21 consequences of bad press. Meta was not only able to foresee every harm alleged in this Complaint,
22 but foresaw it, had an opportunity to prevent it, and opted to maximize engagement and growth
23 instead – to the detriment of A.F. and her family.

24 165. If Meta attempts to deny these allegations, this Court should require Meta to
25 disclose every product recommendation it has received from its employees over the years
26 and relating to harms and issues like “problematic use,” “SSI” (Suicide and Self Injury),
27 harmful social comparison, users under the age of 13, bullying, and
28 exploitation/grooming/abuse of minors. Plaintiffs believe that those recommendations will

1 prove both that Meta anticipated the harms its products have caused and will provide answers
2 to the question of what Meta could and should have done differently.

3 VI. PLAINTIFF-SPECIFIC ALLEGATIONS

4 166. A.F. was born in February of 2011.

5 167. She was a typical, sweet kid. She often struggled in school, but always tried hard
6 and was able to keep up her grades. She loved playing sports with her friends and hanging out with
7 her parents and siblings.

8 168. A.F.'s parents separated in April of 2020, and their divorce was finalized seven
9 months later.

10 169. They purchased A.F. a phone so she could contact each parent while staying with
11 the other. M.F. does not use social media, and when A.F. asked her parents if she could open social
12 media accounts, both of them said no.

13 170. Her parents believed that this was the end of the issue as she was only 9 at the time.
14 They did not consent, and reasonably believed that no one could or would provide a nine-year-old
15 child with a social media account absent parental consent.

16 171. Unbeknownst to A.F.'s parents, however, she proceeded to open and use multiple
17 Instagram accounts as well as the Facebook Messenger product. It is unknown at this time whether
18 or to what extent A.F. opened other social media accounts, as she worked hard to hide these
19 activities from her parents. A.F. was still only 9 years old, and her secret use of and developing
20 addiction to Instagram and the Facebook Messenger products coincided with a steady and severe
21 decline in A.F.'s mental and physical health.

22 172. As an initial matter, A.F. used the circumstances created by her parents' divorce to
23 hide her use of Instagram and Facebook Messenger.

24 173. For example, A.F. would tell her father that she forgot her cell phone at her mother's
25 house, when in fact, she was hiding her phone in her bag and would wake up after her father had
26 gone to sleep so that she could use Instagram and Facebook Messenger without him knowing. She
27 used these same tactics on her mother. And when her parents tried to check her phone, she often
28 said she could not find it, did not have it, or, on occasion, would produce a damaged device that

1 was inaccessible.

2 174. As A.F.'s dependency on Meta's products grew, she became incredibly attached
3 to and guarded about her cell phone. When her parents tried to exercise their parental rights by
4 limiting or restricting access, A.F. had severe and uncharacteristic reactions. She became agitated,
5 upset, and emotional when access was limited which, and would yell and become violent towards
6 others. Unbeknownst to her parents, these reactions were caused by her dependency on Meta's
7 social media products.

8 175. A.F. became locked-in to the point where she used Meta's products every chance
9 she could. Because her parents did not know about or approve, this meant she stayed up after they
10 went to sleep in order to use Meta's products, which she did for hours upon hours. A.F. became
11 increasingly tired in school, and her grades dropped from As and Bs to Fs. She also began
12 accessing Meta's products during school hours, as that was another time when she could do so
13 without risking getting caught.

14 176. For every minute A.F. spent on Meta's products in the middle of the night and
15 during school hours, Meta earned more money. Meta has actual knowledge as to the times of day
16 each user is on Instagram and how long they are on Instagram. Meta likewise has determined that
17 excessive use, frequent but short sessions, and use during sleeping hours is a significant indicator
18 of addiction (which Meta re-frames as "problematic use"). Despite this knowledge, Meta
19 leadership made calculated and deliberate decisions to stay the course, *i.e.* to not notify parents or
20 take other reasonable steps to discourage such harmful use of its products. Several Meta employees
21 have expressed concern about the addiction-related harms Meta is causing because of how its
22 programs, designs, and develops its products, and including addiction related harms Meta is
23 causing to minors. In response, Meta leadership has made clear that engagement and growth take
24 precedence over user safety. Anyone who disagrees with Meta leadership is free to move on.

25 177. Meta also had knowledge as it relates to A.F. that A.F. was under the age of 18,
26 irrespective of anything A.F. stated when opening her many Instagram accounts. Meta has
27 knowledge as to the actual age of most if not all users because of technology Meta has developed,
28 which algorithm uses the many points of data Meta collects to estimate actual age with reasonably

1 certainty. Moreover, Meta knows that millions of minors are not being truthful about their age
2 when opening Instagram accounts.

3 178. To name only one example, Meta has analyzed and internally discussed the fact
4 that there are certain spikes in user-stated ages that establish the fact that many users are providing
5 false information. For example, when Meta looks at the stated age of all users, there is a clear
6 pattern for most users with consistent spikes for ages most commonly used for provision of false
7 information, such as 13, 16, 18, and 21. Put otherwise, if Meta audited each age where its own
8 analysis has confirmed the existence of false data – which it could do with the estimated age
9 information already in its possession, custody, or control – it would find thousands if not millions
10 of minors pretending to be older and adults pretending to be younger. The former would be
11 dispositive as to underage users and indicative for users over 13 as to lack of parental consent,
12 while the latter constitutes predatory behavior.

13 179. Moreover, and as was the case with A.F., Meta knows when a single user opens
14 several accounts and uses different birthdates for those accounts, which is highly indicative that
15 the user is underage and/or lacks parental knowledge or consent. For example, and based on just
16 the limited information available to Plaintiff,

- 17 a. A.F. opened one Instagram Account in August of 2021. Meta recorded her location
18 (city and state of residence) and IP address, among several other data points, and
19 A.F. used her Gmail address and real name. She claimed a March 2003 birthdate.
- 20 b. A.F. opened a second Instagram account in September of 2021 (at approximately
21 3:00 a.m.). Meta recorded the same location (city and state of residence) and same
22 IP address, and A.F. used her same Gmail address and name. Only she claimed a
23 February 2001 birthdate.
- 24 c. A.F. opened a third Instagram account in October of 2021. Meta recorded a
25 different location and IP address, among several other data points, though A.F. used
26 her same Gmail address and name, and provided the March 2003 birthdate again.

27 In addition to the above identified commonalities among these accounts, Meta recorded the
28 device ID for devices A.F. used to log in which includes a unique ID that is identical across

1 all three accounts. Meta collected numerous other data points that could and did tell Meta
2 precisely who A.F. was and how she was using Meta's social media products – this is what
3 Meta's systems are designed to do. Each of the above information types (together as well as
4 separately) provide Meta with actual notice each time a minor user opens multiple accounts.

5 180. Meta has actual knowledge that a significant percentage of its users are misstating
6 their age and made the calculated business decision to do nothing about it, thereby encouraging
7 other users to do the same. It is commonly understood among teens and pre-teens that Meta will
8 not prevent access to its product even when it knows your real age, which it almost always does –
9 and because Meta wants kids using its product.

10 181. Meta did not notify A.F.'s parents of her excessive and unauthorized use. Instead,
11 it programmed its products to start sending A.F. *more* push notifications and directed and amplified
12 content to A.F. that Meta knew would be harmful to her specifically, causing dependency in A.F.
13 on Meta's social media products.

14 182. Because of her Meta driven addiction to Instagram, A.F. began spending her nights
15 using the Instagram product and became sleep deprived, causing anxiety, depression, and related
16 exhaustion, stress, and emotional, mental, and development harms as well as increased
17 vulnerabilities. Meta knows that these are harms its products are causing in some percentage of its
18 minor users and makes a calculated business decision to continue providing them with access to
19 its social media products anyway.

20 183. Meta has also designed and distributed its product in a manner that makes it
21 impossible for parents to protect their children from it. For example, in addition to staying up late,
22 A.F. began using her device at school instead of focusing on class. She also was able access Meta's
23 products on friend's devices and/or school issued or available devices.

24 184. A.F. also began lying to her parents in order to maintain and hide her use of Meta's
25 products. She went from a good kid who was close with her family, to someone who would do
26 anything to obtain access to Instagram and who began sneaking her use of Meta's products every
27 chance she got. On information and belief, this includes using those products while her parents
28 were in the same room, but when they understood that she was watching videos on-line or playing

1 games. A.F.'s growing need to access Instagram every chance she got required her to lie, causing
2 feelings of guilt and remorse, and forced her to stay on high alert to avoid detection – causing
3 further harm to A.F. and her family.

4 185. The harms proximately caused by Meta's engineered addiction was made worse
5 by the fact that A.F. was only 9 when Meta first began distributing its inherently harmful and
6 dangerous product to her. Meta's abuse and exploitation of A.F. was exacerbated by her age and
7 undeveloped frontal lobe – which also is something Meta has studied. Meta is aware of these
8 physiological differences between its adult and minor users, and its own documents refer to minor
9 users as more "vulnerable" as a result. Of course, instead of taking reasonable steps to avoid doing
10 harm to these users, Meta then makes product change recommendations and decisions designed to
11 exploit such vulnerabilities.

12 186. A.F. also and almost immediately began receiving explicit sexual communications
13 and images from adult users, because of Meta's public profile settings, user recommendation
14 technologies, and direct messaging product and product features (including things like
15 disappearing messages and live audio and video. A.F. was messaged and solicited for sexually
16 exploitative content and acts on numerous occasions by adult Instagram users.

17 187. These adult users were encouraged by Meta to use its products in this manner,
18 including by Meta's refusal to verify age, identify, and parental consent, to implement email or
19 phone verification, and to implement feasible safeguards to protect minor users from receiving
20 sexually harmful content. But also, Meta's programming decisions are such that Meta is actually
21 rewarding predatory users and essentially serving up to them children that they would not be able
22 to find but for Meta's active assistance.

23 188. To name only two examples, Meta's content and user recommendation products
24 identify and recommend content and users, respectively, based on numerous Meta-collected data
25 points (relating to activity on and off its platform) and Meta's specific programming instructions
26 to the technology itself. Because Meta has chosen to program its technologies, even in the case of
27 minor users and suspected predators, to increase engagement at any cost, the more success a
28 predatory user has in exploiting and abusing minors then the more Instagram rewards him.

1 Instagram rewards him by sending and recommending his content to other vulnerable young girls,
2 and by sending him photos and information identifying new, potential victims – these other users
3 include ones that do not know the predator in real life and may not even have “friends” in common.
4 In other words, he would never have found these users but for Instagram providing him with the
5 equivalent of their name, contact information, and a brief bio confirming that they are just his type.

6 189. These outcomes sound extreme, but they are not! They are actual outcomes Meta
7 knows about and has known about for years. The following are some examples of how the above-
8 described technologies work in these discriminatory and harmful ways.

9 a. Adult male user has historically, and successfully, targeted young (under 14) and
10 vulnerable female users. Meta’s technology recognizes that this adult male has
11 primarily two types of “friends,” which are young girls with certain characteristics
12 and adult males who also favor young girls with certain characteristics. Those
13 characteristics include things like excessive usage, late night usage, certain number
14 of “friends,” emotional posts, and/or other factors and usage patterns Meta has
15 identified and knows to be indicative of loneliness and/or insecurities and/or lack
16 of parental oversight. In short, factors indicative of vulnerabilities in young girls.
17 Based on this information, Meta concludes that increasing engagement for this
18 adult male user means finding and providing him with “friend” options for more
19 young girls with similar characteristics, which is what Meta then does. These
20 recommendations include users with no connection with the adult male whatsoever,
21 as well as users who are friends of young girls already “friended” by the adult male
22 because of Meta’s recommendations – and in the latter instance, Meta’s product
23 and terminology assures the new victims that this adult user is trustworthy (*i.e.* they
24 have “friends” in common).

25 b. Meta’s product also determines that this adult user engages for relatively long
26 periods of time with these young female users, including maintaining “friend” or
27 “follow” status for several months, and that his posts garner more reactions from
28 young girls than any other user group. That is, he posts content that is received

1 (based on Meta’s deliberate programming and product design decisions) as popular
2 and frequently “liked” by young girls fitting his preferred profile. Based on this
3 information, and with input from Meta, Meta’s product concludes that increasing
4 engagement among young girls can be accomplished by identifying and
5 recommending this user’s content to them, which it does – trafficking even more
6 vulnerable children to this user.

7 190. Meta has actual knowledge that its user and content recommendation products are
8 causing these exact harms to a significant number of its minor users. Meta employees have reported
9 these findings to leadership. There also are multiple ways Meta could significantly reduce or
10 eliminate these harms, for example, by simply turning off its recommendation product features for
11 minor accounts – which Meta employees have recommended. Meta has opted to do nothing, due
12 at least in part to its mistaken belief that it cannot be held legally accountable for the harms its
13 products are causing and its determination that connecting adult strangers to young children is
14 good for its engagement.

15 191. As a proximate result of Meta’s addictive design, as well as the predators Meta’s
16 products affirmatively directed and recommended to her, and vice versa, and resulting sexually
17 exploitative encounters and abuse she suffered, A.F. developed severe mental health conditions
18 including depression and anxiety, self-harm, suicidal ideation, and physically and mentally abusive
19 behaviors toward her family members. A.F. is not the same person she was before her
20 unauthorized use of Meta’s product began, and these harms coincided precisely with her use of
21 Meta’s products.

22 192. Meta provided A.F. with access to multiple accounts on Instagram without her
23 parents’ knowledge or consent. Her parents do not know or have access to several account
24 usernames, and do not know the exact number of accounts Meta allowed A.F. to open and utilize
25 but believe that there were at least six different accounts A.F. opened – possibly more.

26 193. Meta knew or should have known that A.F. was under the age of 13 and obtained
27 multiple accounts under different usernames yet failed to restrict her access or notify Plaintiffs
28 M.F. or B.F. of their daughter’s account status and activity.

1 194. Plaintiffs M.F. and B.F. also have no way to determine when A.F. opened her first
2 accounts, which information is known only to Meta. Even A.F. herself cannot be certain as to when
3 each account was opened, which uncertainty is the result of Meta's product design. That is, A.F.
4 had to stop using some of her prior Instagram accounts when her phone broke and she got a new
5 one, and because she did not remember her account password and had no way to recover it.

6 195. This is a fairly common occurrence for minors to whom Meta provides accounts
7 without parental knowledge or consent, as Meta knows or should know. Specifically, minors trying
8 to hide accounts make up fake email accounts or open new email accounts for the sole purpose of
9 opening an Instagram. They access that account through a portal that remains open on their current
10 device, but once the device is gone and if they do not recall their account password, they become
11 locked out of their Instagram because there is no actual or accessible email address from which
12 they can restore access. Importantly, these minors can then simply open one or more new accounts,
13 which they do – often using the same information since they know that Instagram does not care
14 and will turn a blind eye to use of its product by underage users.

15 196. Meta does not discourage this pattern or opening of multiple accounts, often
16 referred to as FINSTA (fake Instagram) or SPAM accounts. Instead, it refers to this as a “unique
17 value proposition” – that is, it has enabled Meta to make millions (if not billions) from engagement
18 it would not otherwise have made if it restricted product distribution to age-appropriate users and
19 minors with parental consent.

20 197. Plaintiffs were, however, able to access three of A.F.'s accounts (discussed above),
21 which they immediately accessed then took steps to block A.F. from accessing. These steps include
22 not only changing the phone number and email information on each account so that A.F. could no
23 longer access them, but also taking away A.F.'s phone. M.F. and B.F. cannot be certain that A.F.
24 has stayed off Meta's products, since Meta provides access to minors through any wi-fi enabled
25 device – including school devices, friends' devices, and video game consoles. However, they have
26 done everything in their power to keep her off of them.

27 198. In late October of 2021, M.F. discovered that A.F. was using Instagram after
28 walking in on then 10-year-old A.F. engaged in a video chat with an adult male on Instagram. She

1 was performing sex acts for that adult, Instagram user at the time. M.F. immediately confiscated
 2 and searched her phone and discovered the Instagram account, along with two others. Those
 3 accounts were opened August 29, 2021, September 12, 2021, and October 14, 2021. M.F.
 4 confiscated the phone, in an effort to prevent A.F. from accessing Instagram and was able to access
 5 those accounts himself through her confiscated device. Based on information contained in the
 6 accounts, they had been open for a relatively short period of time, and yet, each account A.F. used
 7 for Chats and where she did not delete those Chats included dozens of instances of sexual
 8 exploitation and abuse by adult users, many of whom (if not all) found and connected with A.F.
 9 because of Meta's products and product features.

10 199. On information and belief, all of this data and more resides on Meta's servers and
 11 Meta knew or should have known that A.F. was under the age of 13 and was using Meta's social
 12 media product without parental knowledge or consent, and that its social media product was
 13 affirmatively identifying and directing adult male users to A.F. then making A.F. available to those
 14 adult male users via its direct message product, as well as live audio and video product features
 15 that are inherently dangerous to minor users.

16 200. Meta has actual knowledge that A.F. is under the age of 13. Meta utilizes
 17 technology based on the incredible amounts of user data it collects to estimate the actual age of
 18 each U.S. user with reasonable certainty. Meta uses this technology for advertising and other
 19 revenue generating purposes, then ignores the data when it comes to age restrictions.

20 201. But also, shortly after Plaintiff M.F. obtained access to an A.F.'s account in late
 21 2021, he changed her already public facing profile to read: "10 year old who isn't allowed to be
 22 on social media."

Profile Change

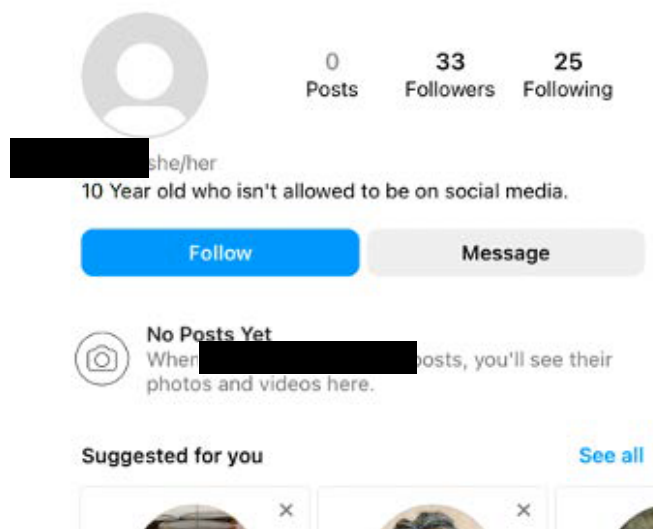
Changed	Profile Bio Text
Previous Value	DONE with life 🥰
New Value	10 Year old who isn't allowed to be on social media.
Change Date	Nov 7, 2021, 8:06 PM

202. Moreover, the account is set to public,

User Information

Email	[REDACTED]@gmail.com
Phone Number	+1 [REDACTED]
Phone Confirmed	True
Phone Confirmation Method	Unknown
Username	[REDACTED]
Name	[REDACTED]
Bio	10 Year old who isn't allowed to be on social media.
Pronouns	she/her
Gender	female
Date of birth	2001-02-12
Private Account	False

203. As of September 2022 – almost a year after A.F.’s age and lack of parental consent was posted to her public profile – the account remains live and publicly viewable.



204. This is something that happens often. That is, children know and understand that Meta will not block or close their account for being underage. They simply have to say they are at

1 least 13 when signing up and can then publicly tell people their real age, post their real age in their
2 profile, and otherwise announce their real age in postings and comments. It is understood that Meta
3 does not enforce rules that would result in fewer Instagram accounts – and whenever possible, it
4 does not enforce those rules.

5 205. During the roughly two months of known and accessible Instagram access (the
6 three accounts to which M.F. and B.F. obtained access), A.F. had horrific and exploitative
7 exchanges with countless Instagram users – the total number is not known and, in fact, as of now,
8 only Meta itself has access to all of A.F.’s accounts. Plaintiff is sending Meta a request concurrent
9 with the service of this Complaint for copies of the communications his 10-year-old child had with
10 strangers on Instagram and because of Instagram’s product features. On information and belief,
11 Meta will not provide that information to M.F. It has been Meta’s position in other litigation that
12 10-year-old children and adult strangers are entitled to engage in private conversations outside the
13 purview of parents, and that the parents of a 10-year-old have no legal right to communications
14 occurring on Meta’s products between their child and strangers – including where the parent never
15 consented or had any knowledge of such use.

16 206. Meta is actively interfering with parental rights and actively preventing parents and
17 authorities from protecting other children from dangerous sexual predators that Meta knows or
18 recklessly disregards as using its Instagram product to engage in commercial sex acts with minors.

19 207. Moreover, Meta designs and programs its products such that, when a female user
20 under the age of 18 creates an account (and regardless of the age she identifies while opening the
21 account), that user is almost immediately bombarded with explicit messages and marketing via
22 Meta’s direct message product. The reason for this relates to a combination of Meta defaulting
23 accounts to public, and making minor accounts searchable, as well as Meta’s user and content
24 recommendation features, which essentially serve as a form of advertising and trafficking whereby
25 predators can either search for and find new, young, female Instagram users or have those users
26 presented to them by Meta’s product.

27 208. Pedophiles who talk about their in-person methods describe approaching minors to
28 test whether they will be vulnerable to grooming and exploitation. They get into a minor’s space

1 and when a child immediately pulls away a pedophile knows to not pursue things. But when a
2 child hesitates or leans in, a pedophile knows that the child is hungry for attention and, thus,
3 vulnerable to grooming and abuse. Meta's products have changed things in the most dangerous
4 and harmful ways imaginable, making it unnecessary for predators to look for and test vulnerable
5 children in public settings.

6 209. Instead, Meta designed its products in a manner that identifies and serves up
7 millions of children for Meta's predatory users, then provides them with privacy and effective
8 communication tools that greatly reduce the chance of getting caught. Meta knows that its products
9 are designed in a manner that encourages and allows these harms. For example, Meta provides its
10 predatory users with an unlimited number of potential victims, including by marking to and
11 addicting children and teens, by not verifying age, by allowing multiple accounts, and by not using
12 information in its possession to enforce its own terms with regard to underage users, like A.F.
13 Meta then helps identify vulnerable child users, and provides Meta predators with access to those
14 children, plus protection from getting caught. For example, Meta does not verify user identity,
15 email address, or phone number, and actively encourages users to open multiple account, all of
16 which allows Meta predators to interact with children via anonymous or semi-anonymous
17 accounts. Meta then actively encourages new users (including minors) to connect with strangers
18 on its platform. Meta actively recommends and matches vulnerable children with adult users via
19 Meta's collection of and decision to utilize every data point imaginable from every user, again
20 including kids. Meta further claims and convinces its minor users that its product is safe, while
21 addicting them to the point where they have to lie to their parents to obtain access. These children
22 cannot disclose their use of Instagram (or even usernames) to their parents for fear that they will
23 lose access to Instagram. These same mechanisms, however, directly create a situation in which
24 children both believe they are safe and are actively discouraged by Meta from reporting predatory
25 interactions when those occur. Moreover, Meta does not verify age or require users to be honest
26 about their age or identity, such that in many cases children do not even realize they are interacting
27 with adults. Lastly, unlike traditional predator approaches, Meta's product features make it easy
28 to keep trying. Meta's public profile settings, multiple account offerings, direct messaging

1 products, and disappearing/live communication tools allow predator users to try again and again,
2 until children who might otherwise have pulled away give in – and all without any appreciable risk
3 of getting caught, because of how Meta develops, designs, manufactures, operates, and distributes
4 its Instagram product.

5 210. Meta knows that its products are designed in a manner that encourages and allows
6 these harms. Meta employees have identified these types of harms and causal connections to
7 specific Meta products and settings. Meta was aware of changes it could make at nominal time and
8 expense but opted for engagement over the safety of its minor users.

9 211. As Meta knows, minor users of its products more often than not lack the cognitive
10 ability and life experience to identify dangerous and exploitative behaviors and the psychosocial
11 maturity to decline invitations to exchange salacious material. Children are, in Meta’s own words,
12 “vulnerable.” Instead of protecting them, Meta uses them to make money by luring and engaging
13 the predators who prey on them.

14 212. One example is Meta’s PYMK product which Meta’s own research has found to
15 have historically contributed to up to 75% of the adult minor grooming that happens on Meta’s
16 platforms.²¹ Meta has actual knowledge that its PYMK/SY products connect minors to predators
17 – predators they would never have met but for Meta’s product and its programming decision to
18 actively identify and encourage those predators to connect with those children, and vice versa. This
19 is literally what Meta is doing, and at least some employees have expressed serious concern about
20 the fact that Meta has not simply turned off its user recommendation product, at least as it relates
21 to minor accounts. Meta continued to operate PYMK/SY in connection with minor accounts
22 regardless.

23 213. Moreover, A.F. was harmed specifically *because* of Meta’s user recommendation
24 products.

25 214. Meta recommended A.F.’s profile to several adult predators using its Instagram
26 product, and A.F. was connected with and abused by those predators as a result. In one instance,
27

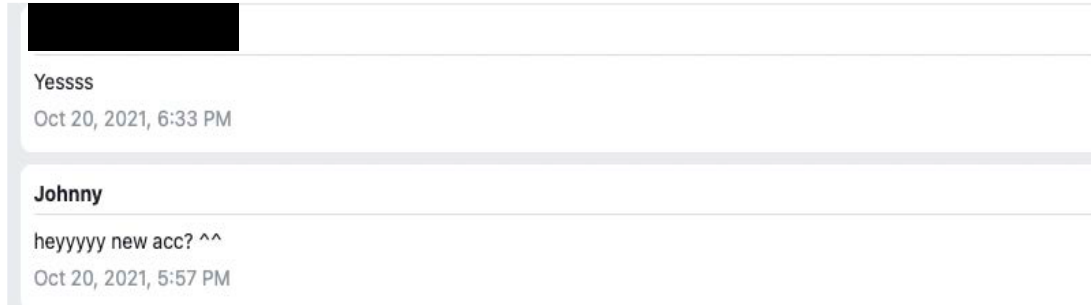
28 ²¹ On information and belief, these product defects and/or inherently dangerous features are present in both the PYMK and SY products, though the Meta studies and findings referenced refer to PYMK.

1 an Instagram predator told A.F. that this is how he found her.

2 215. On October 16, 2021, Instagram user **Johnny** initiated contact with A.F. and wrote
 3 “heyyy.” He introduced himself as “houzi from highrise,” and asked if this was “another acc you
 4 have?” A.F. said yes, she has to “use this one now.” He said, “it’s fine honey” and told her he only
 5 “found [her new account] on account of my recommended lol.”



27 216. Incredibly, Meta’s user recommendation product directed predatory user **Johnny**
 28 to another one of A.F.’s secret accounts just a few days later,



This predatory user would quite literally not have been able to locate A.F. as she opened each new account, in efforts to hide her use from her parents, but for Meta’s recommendation product – which kept telling him exactly how to find her.

217. Instagram **Johnny** knew that A.F. was a minor. They discussed things like her being sad about something her sister said, in response to which **Johnny** asks, “can’t you tell your parents about it” and “your parents should be the ones to correct her ... sucks they don’t.” **Johnny** tells A.F. that “for now ... better to get distracted ok ... don’t worry about the dumb people ... there are a lot of them around x).” **Johnny** then says he is going to cheer her up, which he does by telling her that he “just took a shower and I’m laying on my bed [and] ... I would cuddle with you if I could.” He proceeds to engage A.F. in graphic role play (“RP”) sex video calls 10-year-old A.F. so she can watch him “cum.”

1 **Johnny**
 2 ok I guess you don't want it live.. let me see you again so I cum ❤️❤️❤️🥵
 3 Oct 16, 2021, 4:55 PM

4 **Johnny**
 5 Video chat ended
 6 Oct 16, 2021, 4:54 PM Duration: 39 seconds

7 **Johnny**
 8 Johnny started a video call
 9 Oct 16, 2021, 4:53 PM

10 **Johnny**
 11 I want to see your body.. while I drop all this milk 🥵🥵🥵🥵
 12 Oct 16, 2021, 4:52 PM

13 **Johnny**
 14 Video chat ended
 15 Oct 16, 2021, 4:52 PM Duration: 52 seconds

16 [REDACTED]
 17 Heh
 18 Oct 16, 2021, 4:51 PM

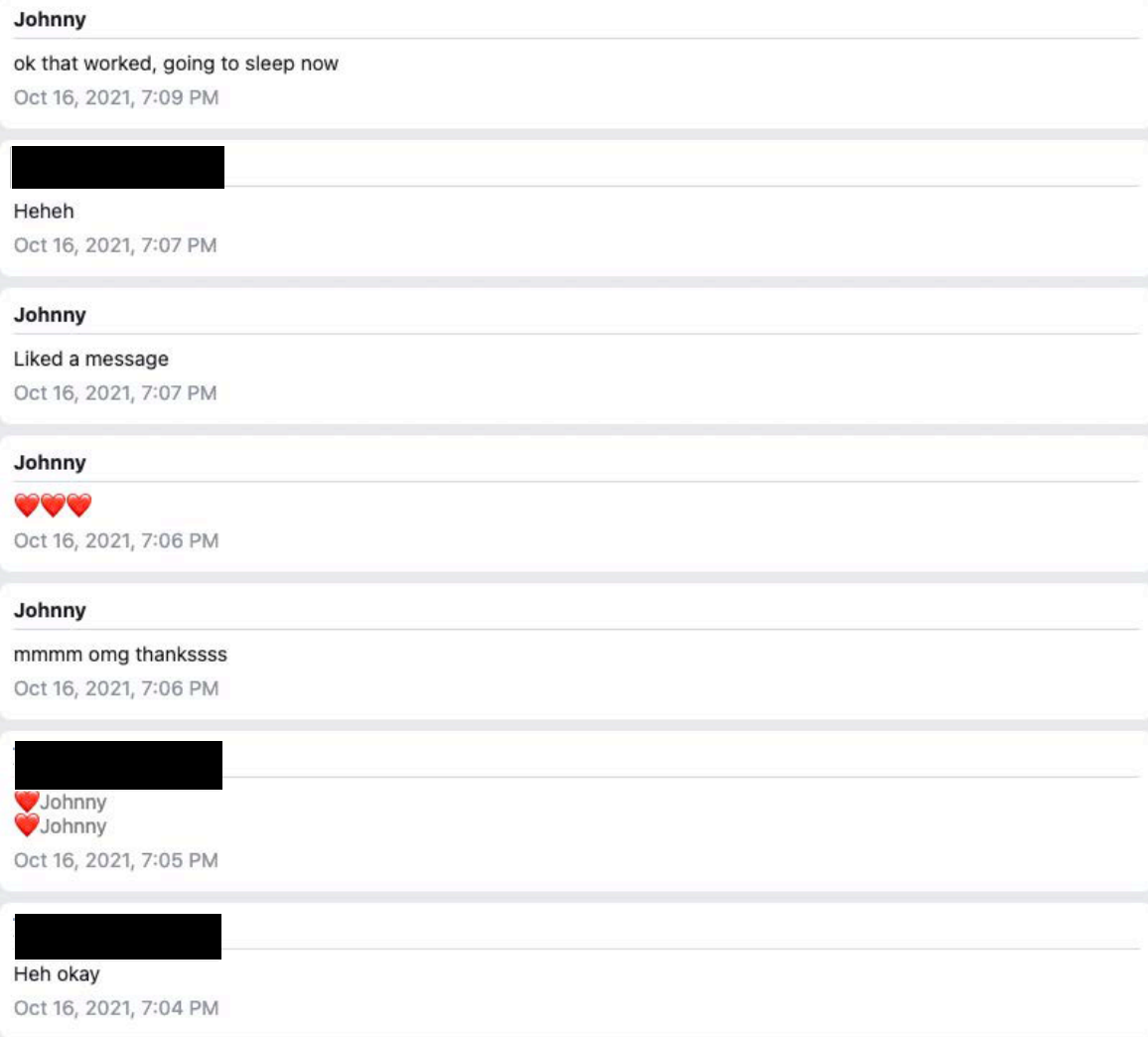
19 **Johnny**
 20 Johnny started a video call
 21 Oct 16, 2021, 4:51 PM

22 **Johnny**
 23 I want you to see me cum.. 🥵
 24 Oct 16, 2021, 4:50 PM

218. A.F. says she cannot talk by video but sends him a photo so he can “finish.”

21 **Johnny**
 22 I asked if you could send a hot picture so I can finish firsst
 23 Oct 16, 2021, 7:03 PM

24 Again, Meta’s product features are such that the “pic” itself no longer exists, but it is clear from
 25 the chats A.F. saved that an explicit photo was solicited and then exchanged,
 26
 27
 28



219. Over the course of a few days A.F. sent **Johnny** several photos of her face, and additional, more explicit photos – most of which are not viewable because of Instagram’s photo and/or privacy features. **Johnny** did not ask A.F.’s age until two days after they engaged in the RP sex described above, in response to which A.F. says “18.” Though A.F. sends photos of her and her family and engages in video and audio chats with **Johnny**.

220. Between October 14 and October 20, 2021, A.F. exchanged a series of messages with Instagram user **Alex Hannah**. **Alex Hannah** identified himself as a 20-year-old male from Edinburgh. **Alex Hannah** solicited A.F. for naked photos and cybersex and began grooming her. He told A.F. that he loved her and that he was the only one who could make her feel good. On October 16, 2021, he sent her a video of himself urinating, zoomed in on his penis and the toilet.

1 A.F. and **Alex Hannah** also exchanged several explicit photos (which disappeared due to
 2 Instagram's privacy product feature or similar) and engaged in several video chats, during which
 3 **Alex Hannah** sexually exploited and abused A.F.

4 221. **Alex Hannah** sent the following types of explicit messages to 10-year-old A.F.,

5 **Alex Hannah**

6 Baby how wet is ur pussy just now

7 Oct 17, 2021, 7:10 AM

8 **[A.F.]**

9 Hehe

10 Oct 17, 2021, 7:10 AM

11 **Alex Hannah**

12 I really want to fuck u

13 Oct 17, 2021, 7:08 AM

14 ...

15 **Alex Hannah**

16 And I know how much u want to see me naked on call

17 Oct 17, 2021, 9:30 AM

18 **[A.F.]**

19

20 Oct 17, 2021, 9:28 AM

21 **Alex Hannah**

22 And ill even show u it on call

23 Oct 17, 2021, 9:26 AM

24 **Alex Hannah**

25 Please baby ill send more cock

26 Oct 17, 2021, 9:26 AM

27 **[A.F.]**

28 ...

Oct 17, 2021, 9:25 AM

Alex Hannah

Don't make me beg to see u fully naked

Oct 17, 2021, 9:25 AM

[A.F.]

..

Oct 17, 2021, 9:24 AM

Alex Hannah

Please

Oct 17, 2021, 9:24 AM

[A.F.]

Heh

Oct 17, 2021, 9:23 AM

Alex Hannah

Oct 17, 2021, 9:22 AM

1 [A.F.]

2 ldk can u

3 Oct 17, 2021, 9:21 AM

4 **Alex Hannah**

5 Can I see ur tits

6 Oct 17, 2021, 9:21 AM

7 222. On October 20, 2021, **Alex Hannah** and A.F. moved their chats to another of A.F.'s
8 Instagram accounts. **Alex Hannah** engaged A.F. in similar grooming and exploitation activities
9 through this second account, and even said that he would come get her, in response to which A.F.
10 provided him with her home address.

11 223. Had Meta limited users to a single account, this grooming and exploitation would
12 not have occurred – in fact, such a minor product change would exponentially reduce the grooming
13 and exploitation occurring because of the Instagram product. For example, minor users with
14 parental consent for a single (often supervised) account would not be able to create secret accounts
15 without parental knowledge and consent, while minor users who lack consent could not open
16 additional accounts with each new parental discovery and/or device replacement. Meta does not,
17 however, limit its users (even minors) to one account.

18 224. On October 26, 2021, A.F.'s father obtained access to the Instagram account being
19 used by **Alex Hannah** and A.F. to communicate and confronted **Alex Hannah**, demanding that he
20 cease all communications with A.F.,

21 [REDACTED]
22 10 years old girl. I am her father. Cease communications immediately.

23 Oct 26, 2021, 7:53 PM

24 At first, **Alex Hannah** did not believe him, so he said it again,

25 [REDACTED]
26 10 years old girl. I am her father. Cease communications immediately.

27 Oct 29, 2021, 10:22 AM

28 **Alex Hannah**

Hey baby girl

Oct 27, 2021, 10:17 AM

1 This time **Alex Hannah** asked to speak with A.F. directly, in response to which M.F. threatened
 2 to call the police,

3 
 4 No. Her Instagram accounts are done. She is a 10 year old girl getting exploited and receiving explicit materials. I am her
 5 father and it stops now or the police will be notified.
 6 Oct 29, 2021, 10:27 AM

7 **Alex Hannah**

8 Can I speak to her please
 9 Oct 29, 2021, 10:25 AM

10 Apparently convinced, **Alex Hannah** attempted to excuse his exploitation and abuse of 10-year-
 11 old child by saying that she told him she was 15,

12 **Alex Hannah**

13 Well she said she was 15
 14 Oct 29, 2021, 10:28 AM

15 225. However, and because Meta allows multiple accounts, **Alex Hannah** then tried to
 16 re-initiate contact with 10-year-old A.F via her prior Instagram account on November 27, 2021,

17 **Alex Hannah**

18 Hi
 19 Nov 27, 2021, 3:14 PM

20
 21 Unbeknownst to **Alex Hannah**, M.F. and B.F. had discovered and obtained access to that other
 22 account as well, such that *that* attempt to reinitiate was unsuccessful. However, in a situation where
 23 Plaintiffs had not discovered the second account (as often happens), Meta's business decision to
 24 allow and encourage multiple (secret) accounts would have been the means through which **Alex**
 25 **Hannah** continued his exploitation and abuse. Meta has actual knowledge that its product is
 26 inherently dangerous in this precise way.

27 226. Plaintiffs also have no way to know whether **Alex Hannah** has contacted A.F. via
 28 other, not yet discovered Instagram accounts. While Plaintiffs have taken away A.F.'s phone and

1 do everything they can to monitor and prevent access to Instagram, Meta does not actual limit its
 2 distribution of Instagram to children over 13 or take any steps to prevent unauthorized use by
 3 minors. Meta makes it impossible for parents to prevent use by their children, short of 24-hour
 4 surveillance.

5 227. Between October 23 and October 26, 2021, A.F. exchanged a series of messages
 6 with Instagram user **Andrew**, who quickly began telling A.F. how beautiful she is to coax her into
 7 sending him explicit material. He asked her, “If we were alone together what would you do to
 8 me,” to which A.F. responded, “tbh [to be honest] idk [I don’t know].” In an attempt to escalate,
 9 Andrew then asked if A.F. wanted to “play truth or dare.” When she did not respond, he proceeded
 10 to message her several times and tried to initiate an audio call. The next morning A.F. wrote back
 11 telling him, “Hey sorry, I fell asleep,” to which **Andrew** responded, “would you like to see
 12 something big,” and A.F. said, “Sureeeee.” **Andrew** proceeded to send 10-year-old A.F. a photo
 13 of his penis, then solicited photos from A.F., which she sent, including one of herself topless.

14 228. **Andrew** again attempted to immediately escalate with 10-year-old A.F., and again
 15 began harassing her in response to which she stopped responding,

16 **Andrew**

17 ??????

18 Oct 24, 2021, 7:21 AM

19 **Andrew**

20 Why are you ignoring me I thought you liked me and I was perfect

21 Oct 24, 2021, 7:19 AM

22 **Andrew**

23 I can see you reading my messages

24 Oct 24, 2021, 7:19 AM

25 **Andrew**

26 Why are you ignoring me

27 Oct 24, 2021, 7:18 AM

28 **Andrew**

Babe?

Oct 24, 2021, 7:16 AM

Andrew

????

Oct 24, 2021, 7:12 AM

Andrew

Why aren't you talking to me

Oct 24, 2021, 7:11 AM

Andrew

Babe?

Oct 24, 2021, 7:09 AM

Andrew

Do you use ur fingers or something else

Oct 24, 2021, 7:07 AM

[A.F.]

Yeah

Oct 24, 2021, 7:07 AM

Andrew

?

Oct 24, 2021, 7:06 AM

Andrew

Can I see you masturbate bsby

Oct 24, 2021, 7:04 AM

[A.F.]

Idk

Oct 24, 2021, 7:04 AM

Andrew

I wish I could bend you over

Oct 24, 2021, 7:03 AM

In response, A.F. told him that she was busy. She also told him that she was upset, in response to which **Andrew** again and immediately attempted to escalate the discussion, including by sending her a photograph of his penis again and with the message, “Plus you have this.” He then asked her for a “favor” ... “Can I see you masturbate until you cum.” And again, A.F. was uncertain and clearly did not want to engage in these activities with **Andrew**, in response to which **Andrew** tried pressuring and manipulating her into agreeing,

[A.F.]

Hy

Oct 24, 2021, 12:04 PM

Andrew

Hey baby

Oct 24, 2021, 12:02 PM

Andrew

So pls baby

Oct 24, 2021, 7:37 AM

Andrew

I'll even send a video of me masturbating

Oct 24, 2021, 7:36 AM

Andrew

Just this one time can you pls help me

Oct 24, 2021, 7:35 AM

1 **[A.F.]**

2 ldk

3 Oct 24, 2021, 7:35 AM

4 **Andrew**

5 I promise

6 Oct 24, 2021, 7:35 AM

7 **Andrew**

8 Babe I will never ask you to do something like this again

9 Oct 24, 2021, 7:35 AM

10 **[A.F.]**

11 ldk

12 Oct 24, 2021, 7:35 AM

13 **Andrew**

14 I'm hard and for some reason it hurts

15 Oct 24, 2021, 7:34 AM

16 **Andrew**

17 Pls

18 Oct 24, 2021, 7:34 AM

19 **[A.F.]**

20 ldk

21 Oct 24, 2021, 7:33 AM

22 **Andrew**

23 Can I see you masturbate until you cum

24 Oct 24, 2021, 7:33 AM

25 **[A.F.]**

26 lg

27 Oct 24, 2021, 7:33 AM

28 **Andrew**

Can I ask a favor baby

Oct 24, 2021, 7:33 AM

229. Children like A.F. do not have the experience or ability to fend off predators like **Andrew**, who engaged in the above-described pattern relentlessly – conversing with A.F., then escalating, then demanding sexual favors, then harassing when she stops responding, then engaging and immediately escalating again. A.F. expressed uncertainty several times and told him she did not know and was not sure if she wanted to engage with him, so **Andrew** kept pressing until she succumbed.

230. The next time A.F. messaged, **Andrew** sent her the photo of his penis for a third time, with the message, “I love you” then “oops ;)” He then asked her to send him “something special,” in response to which A.F. sent a photo of her genitals. **Andrew** immediately escalated

and began telling A.F. to send him videos of her masturbating, which she eventually did. On information and belief, that content is still on Meta's servers, and Plaintiffs have reported the content and a number of adult male Instagram users who abused A.F. through and because of Meta's Instagram product to the National Center for Missing and Exploited Children (NCMEC).

231. On October 26, 2021, A.F.'s father obtained access to the Instagram account being used by **Andrew** and A.F. and confronted **Andrew**, telling **Andrew** that A.F. is only 10. In response, Andrew lies and says, "Umm I'm 11 ... She sent me stuff and I just went on Google to send her fake stuff sir." **Andrew** says he will cease communications with A.F.

Andrew

She sent me stuff and I just went on Google to send her fake stuff sir

Oct 26, 2021, 7:37 PM

Andrew

Umm I'm 11

Oct 26, 2021, 7:37 PM

232. M.F. and B.F. believe that one of the first Instagram Users who exploited and abused A.F. was a user with the username **Dayln hickman**. M.F. and B.F. found messages from Dayln hickman to 10-year-old A.F. that included dick pics, face shots, and sexual descriptions. He then coerced A.F. to send him nude pictures in return, which she did, and obtained her phone number, through which he began messaging her directly on her cell phone device. M.F. and B.F. changed A.F.'s phone number upon discovering this, and in the hopes of protecting their daughter from **Dayln hickman**. Plaintiffs have reported this Instagram user to NCMEC.

233. Multiple users convinced A.F. to send them explicit photos and videos, and to otherwise engage in sexting and live audio and video sessions through promises of compensation. These users knew that A.F. was a minor, as did Meta.

234. For example, Instagram username **Mi Kee** promised to "take care" of A.F. and to take her to "Miami Beach every Sunday," in exchange for explicit photos and video.²² When A.F.

²² A.F. and **Mi Kee** reference another account used by A.F. as well, however, M.F. has no knowledge of or access to that other account. On information and belief, contents from that account will be on Meta's server and will include similar types of exploitation and abuse between A.F. and Username **Mi Kee**.

1 tells **Mi Kee** that she will not be allowed to have social media accounts once she gets her new
2 phone, and specifically, because her parents will not allow it, **Mi Kee** responds that her parents
3 only want the best for her. He then sends her his phone number and tells her that they can continue
4 their discussion via phone, though he is “not happy bout it ...”

5 235. Predators use Meta’s direct message feature to abuse minors for multiple reasons,
6 all of which relate to the fact that Meta designs and provides access to its product in a manner that
7 makes it far less likely for the abuse to be discovered. For example, Meta provides its direct
8 message product in connection with minor accounts, which product also allows for disappearing
9 message options as well as live audio and video communication. These product features and the
10 sheer number and potential connections are not features to which a minor has access via standard
11 cell phone functionality, nor are they products most parents would allow for their minor children
12 if the true nature of dangers of such products had been disclosed. These same minors also do not
13 provide their parents with access to their accounts, particularly their FINSTAs, which as Meta and
14 the predators who use Meta products know, are hidden from and unknown to parents in most cases.
15 In short, Meta designs, operates, and makes its social media products available to children in a
16 manner that makes it exponentially harder for parents to protect them from exploitation and sexual
17 abuse. This is deliberate, as designing Meta’s products to protect children and enforce its stated
18 age limitations would mean less revenue for Meta, as well as underage, unauthorized, and predator
19 users moving to certain competing social media platforms – which platforms also currently operate
20 without scruples. Moreover, even when these Instagram predators are caught, most if not all of the
21 evidence is typically long since deleted or was never saved due to the product features Meta makes
22 available in its Direct Message product.

23 236. Some of these product features are ones Meta designed and began incorporating
24 into its social media products only after its competitor, Snap Inc., began marketing and using these
25 features in its own product, Snapchat.

What is My Eyes Only and how does the My Eyes Only password work?


You must be aware of the My Eyes Only tool only if you use Snapchat. Although the well-known multi-media app has experienced a drop in the active user numbers in the second quarter of 2018 after a steady rise since its launch in 2011, it still has [188 million daily active users](#), and it is still one of the most popular social networking apps in the world. The app makes it easy for users to send short video clips, images, and messages, and it gained popularity fast because of its "disappearing" content feature. Once the video, image, or message was sent, it could be viewed once and for a short period only. Since the creation of Snapchat, such social media giants as Facebook and Instagram have presented their own versions of Snapchat, and that is, in part, why users have not only not been joining Snapchat, but also leaving it behind. The company needs to reinvent itself all the time to offer the most attractive services, and My Eyes Only is one of the latest features that were created to offer just that.

<https://www.cyclonis.com/cannot-recover-my-eyes-only-password-do-something-not-forget/>

These product features are not essential to operation of these social media products. Instead, children are being exploited, abused, and mentally and physically harmed because Meta and a small elite of the world's largest social media companies – such Snap Inc. and TikTok/ByteDance – are engaged in a race to the top, at any cost.

237. Meta has actual knowledge that this exploitation and abuse is happening on and because of its social media product, which is discussed at length in internal Meta documents. Meta documents also discuss just some of the many product changes it could make quickly and cheaply to protect its minor users, but in virtually every case, Meta made the business decision to forgo safety measures in favor of increasing minor and adult engagement instead.

238. On October 26, 2021, A.F.'s father obtained access to the Instagram account being used by **Mi Kee** and A.F. and confronted **Mi Kee**, telling **Mi Kee** that A.F. is only 10.


10 years old girl. This is her father. Cease communications.
Oct 26, 2021, 7:43 PM

239. **Mi Kee** kept messaging, so M.F. told him again on October 29, 2021,

10 years old girl. This is her father. Cease communications.
Oct 29, 2021, 10:21 AM

240. **Mi Kee** continued messaging and tried to call via Meta's audio call product several times in quick succession,

Mi Kee
Audio call ended
Nov 4, 2021, 10:13 AM
Duration: 52 seconds

Mi Kee
Mi Kee started an audio call
Nov 4, 2021, 10:12 AM

Mi Kee
Audio call ended
Nov 4, 2021, 10:10 AM
Duration: 41 seconds

Mi Kee
Mi Kee started an audio call
Nov 4, 2021, 10:09 AM

Mi Kee
Video chat ended
Nov 4, 2021, 10:09 AM
Duration: 23 seconds

Mi Kee
Mi Kee started a video call
Nov 4, 2021, 10:09 AM

Mi Kee
U mad at me
Nov 1, 2021, 11:40 AM

Mi Kee
Hey baby
Oct 31, 2021, 12:33 PM

241. **M.F.** told him again on November 4, 2021,

I done told you. She's a 10 year old who is not allowed having social media.
Nov 4, 2021, 10:26 AM

242. **Mi Kee** apologized, then stopped trying to initiate contact with A.F. – until six

months later, when he tried again (presumably thinking that A.F. would have been able to obtain unauthorized access by that time),

Mi Kee

Hi

May 15, 2022, 1:25 PM

243. Instagram usernames **n i x k** and **monk51401** solicited explicit photos and videos from A.F., which they received via Meta’s disappearing messages features. **monk51401** promises 10-year-old A.F. that she “will get something later” and “a nice surprise” in exchange for sending him explicit videos, which she appears to do based on his responses to disappearing messages (which Plaintiff does not include here due solely to the explicit nature of the direct messages themselves).

244. Instagram users like **Khiee**, **balle_rose2243**, and **Jamesbeames** exchanged explicit photos and videos with 10-year-old A.F. and engaged in virtual sex with A.F. through and because of Meta’s Instagram Direct Message product.

245. Meta’s disappearing photos and similar features also make it exponentially more difficult for parents and authorities to protect minors. For example, Instagram users like **Jamesbeames** and **Gud Boi** solicited and received topless photos of A.F. It is clear from the context of the chats that the photos were sent and received, while the photos themselves are no longer available through A.F.’s account. For example,

Jamesbeames

Nice tits your turn

Oct 15, 2021, 10:44 PM

[A.F.]

Oct 15, 2021, 10:44 PM

Jamesbeames

I dare you to show me your tits

Oct 15, 2021, 10:42 PM

Gud boi

ok show me your face

Oct 17, 2021, 10:02 AM

Gud boi

Gud boi started a video call

Oct 17, 2021, 10:02 AM

1 [A.F.]

2 Hi

Oct 17, 2021, 9:59 AM

3 [A.F.]

4 Ji

Oct 17, 2021, 9:59 AM

Gud boi

reply 🙄🙄

6 Oct 17, 2021, 9:58 AM

Gud boi

7 no problem

8 Oct 17, 2021, 9:46 AM

Gud boi

9 so can I see your boob's live?

Oct 17, 2021, 9:46 AM

10
11 A.F. does not want to show **Gud boi** her face, so a few minutes later he asks, “Can I see your
12 boobies again?” A.F. was 10 when these direct messages were being exchanged. Meta
13 claims to have technology that detects explicit photo and video content, yet in a matter of
14 only a few days, A.F. was sending and receiving countless explicit and exploitative photos
15 and videos. Meta was recommending her to adult male Instagram users, as it programmed
16 its products to recognize and exploit the fact that she was engaged in active and extensive
17 direct messaging and/or other interactions with adult male Instagram users. Meta was
18 providing her and the dozens of predators it directed to her with live video and disappearing
19 photo products, and Meta was making money for every illegal interaction that took place.
20 Despite its claims of having technology designed to protect children like A.F. and ample
21 evidence in her account-based activities of the same, Meta did nothing to protect A.F. and,
22 instead, encouraged and provided her with multiple accounts and access despite lack of
23 parental authority or consent.

24 246. Meta does not care about the harms it causes its minor users. It only cares about its
25 bottom line, and children like A.F. are the price Meta is willing to pay.

26 247. Between October 18 and October 19, 2021, A.F. chatted with another Instagram
27 User, whose name currently is unknown to Plaintiff but is or should be known to Meta (“Unknown
28 User No. 1”). **Unknown User No. 1** identified himself as a 29-year-old male and engaged in

several audio calls with 10-year-old A.F. **Unknown User No. 1** became agitated anytime A.F. did not respond quickly to him, threatening to block A.F. or ignore her “forever” if she continued to not respond to him immediately. He also coaxed her into doing things by telling her she would if she “truly love[d]” him. **Unknown User No. 1** asked A.F. to “Marry me and move in with me.” He told her to prove that she loved him by giving him her Snapchat name, in response to which she said that she could not because she did not have a “Snapchat account.”

248. On October 23, 2021, A.F. engaged in the following exchange with another Instagram User, whose name currently is unknown to Plaintiff but is or should be known to Meta (“Unknown User No. 2”):

Instagram User

Yea sure!

Oct 23, 2021, 1:00 PM

[A.F.]

Um well thank you, but I'm not interested we can still chat if you'd like to!

Oct 23, 2021, 12:59 PM

Instagram User

Hello beautiful I love your profile picture especially I'll be happy if you text me back, I'm a sugar daddy I'm interested in having you as my sugar baby and get you paid weekly my payment start from \$5000 lmk if you're interested love ❤️

Oct 23, 2021, 12:57 PM

249. The above are just some examples. Plaintiff does not have access to several of A.F.'s Meta accounts, which information is known only to Meta.

250. On information and belief, those accounts also contain Child Sexual Abuse Material and evidence of exploitation, abuse, grooming, and commercial sex acts, all of which were facilitated, enabled, and encouraged by Meta's product features. Meta quite literally recommended A.F. to sexual predators she did not know and would not have come into contact with but for Meta and its product design and programming decisions. And with each recommendation, Meta made more money at A.F.'s expense.

251. Meta is doing this to millions of young girls at this very moment, with full knowledge of what it is doing and under the belief that our current legal system does not know enough about its products and is otherwise not equipped to stop it. Meta's actions have long since surpassed mere negligence, and well into the realm of nefarious. Meta continues gaslighting the

1 world, including its into blaming parents for harms Meta has carefully and deliberately designed
2 its products to slip past parents entirely.

3 252. Moreover and because of Meta's refusal to act, it has connected most if not all of
4 the predatory users it led to A.F. to other children and most if not all of those users are still actively
5 engaging in commercial sex acts with Meta's assistance and to Meta's benefit.

6 253. The Instagram account A.F. opened in September 2021 was active for just over one
7 month, during which time A.F. exchanged hundreds if not thousands of messages through Meta's
8 product and interacted with at least twenty-five other Instagram users. Those were people A.F. did
9 not know in real life and most if not all of those users exploited, abused, and/or engaged in
10 commercial sexual acts with A.F.

11 254. The Instagram account A.F. opened in October 2021 was active for less than two
12 weeks, during which time A.F. exchanged hundreds if not thousands of messages through Meta's
13 product and interacted with at least forty-four other Instagram users. Those users were people
14 A.F. did not know in real life and most if not all of those users exploited, abused, and/or engaged
15 in commercial sexual acts with A.F.

16 255. Again, these are just two of six or more accounts Meta provided to A.F. without
17 her parents' knowledge or consent.

18 256. A.F.'s parents attempted multiple times to reduce or limit his daughter's use of
19 social media. Initially they did not know that she was using social media at all.

20 257. Regardless, and because of her addiction to Meta's product, efforts at exercising
21 Plaintiff's parental rights and authority by restricting cell phone access caused a severe reaction
22 by A.F. Ultimately, after the incredibly harmful use of just some of the Instagram accounts was
23 discovered, A.F.'s parents had to start taking away her phone and other devices – which left A.F.
24 without a means to contact them and without a phone when at school or otherwise outside their
25 control. It also risked serious, even fatal harm, to A.F. – unbeknownst to her parents – and because
26 the seriousness of the addiction Meta has cultivated in millions of U.S. children and teens has led
27 to self-harm and suicide when access to its social media products is removed. Plaintiffs know of
28 at least two pending lawsuits where minors died by suicide shortly after access to Meta's social

1 media products was denied, and on information and belief, medical professionals around the
2 country have just started to identify this harm as one caused by certain social media products,
3 including the one at issue in this case.

4 258. Moreover, because Meta has decided to provide access to its product to anyone and
5 anywhere, A.F.'s parents cannot actually stop her from using Instagram short of hospitalization
6 and/or 24-hour observation. She is able to access Instagram via friends' devices and/or other
7 devices to which she obtains access while at school and outside of her parents' control. Meta has
8 created an untenable situation for parents and is causing incredible harm to children and their
9 families as a direct result – which harms are known to Meta.

10 259. Through her use of Instagram, A.F. was messaged and solicited for sexual and
11 exploitive content and acts, as well as commercial sex acts, on numerous occasions by adult users
12 of Instagram, who are encouraged to use this product to sexually solicit and abuse minors due to
13 Meta's refusal to verify identity and age for new users as well as certain product features utilized
14 by Meta in connection with minor accounts, *i.e.* user recommendations, direct messaging, and
15 public profile settings.

16 260. As a proximate result of A.F.'s addictive, problematic, and sexually exploitative
17 encounters on Instagram, she developed numerous mental health conditions including self-harm,
18 severe depression and anxiety, suicidal ideation, and physically and mentally abusive behaviors
19 toward her parents and siblings.

20 261. M.F. and B.F. have sought and obtained mental health treatment for A.F. on
21 multiple occasions. They currently are taking A.F. to a counselor every week, in addition to which
22 they have had to purchase an abundance of different locks, locking cabinets, and lock boxes to
23 protect A.F. and keep her safe at both residences. A.F. has become suicidal as a result of the mental
24 and physical harms the Instagram product caused her, and her parents fight every day to keep her
25 alive and to get her the help she needs.

26 262. But for Meta's failure to conduct reasonable verification of age, identity, and/or
27 parental consent, A.F. would not have been exposed to Instagram's inherently dangerous and
28 defective features and design.

1 263. But for Instagram's designed addiction and dependency, A.F. would not have
 2 experienced the sleep deprivation, anxiety, and depression, self-harm, suicidal ideation, and sexual
 3 exploitation and abuse that comes from the sheer volume of harmful content and addictive features
 4 Meta purposefully directs to minor users, and directed to A.F.

5 264. These are consequences Meta anticipated, foresaw, and knowingly risked for A.F.
 6 and tens of millions of children like her, which risks Meta did not have the right to take. Moreover,
 7 these are harms A.F. and her parents did not know about, and could not have discovered in the
 8 exercise of reasonable diligence because of Meta's deceit and obfuscation. Meta made statements
 9 and issued materials aimed at assuring the world that its products were safe and not-addictive to
 10 children and teens, despite its actual knowledge to the contrary.

11 265. A.F. is still suffering because of the mental and physical harms Instagram has
 12 caused. She has lost several, formative years of her childhood because of Meta's social media
 13 product and will carry the burden of these mental and physical harms for the rest of her life. At
 14 this point, it is not clear whether or how A.F.'s parents can most effectively – if at all – help her to
 15 recover from the severe sexual exploitation and abuse she suffered because of Instagram.

16 **VII. PLAINTIFF'S CLAIMS**

17 **COUNT I - STRICT PRODUCT LIABILITY (Design Defect)**

18 266. Plaintiffs reallege each and every allegation contained in paragraphs 1 through 265
 19 as if fully stated herein.

20 267. Meta's product is defective because the foreseeable risks of harm posed by the
 21 product's design could have been reduced or avoided by the adoption of a reasonable alternative
 22 design by Meta and the omission of the alternative design renders the product not reasonably safe.
 23 This defective condition rendered the product unreasonably dangerous to persons or property and
 24 existed at the time the product left Meta's control, reached the user or consumer without substantial
 25 change in the condition and its defective condition was a cause of Plaintiffs' injury.

26 268. Meta designed, manufactured, marketed, and sold a social media product that was
 27 unreasonably dangerous because it was designed to be addictive to the minor users to whom Meta
 28 actively marketed and because the foreseeable use of Meta's product causes mental and physical

1 harm to minor users.

2 269. Meta's product was unreasonably dangerous because it contained numerous design
3 characteristics that are not necessary for the utility provided to the user but are unreasonably
4 dangerous and implemented by Meta solely to increase the profits they derived from each
5 additional user and the length of time they could keep each user dependent on its product.

6 **A. Inadequate Safeguards from Harmful and Exploitative Content**

7 270. As designed, Instagram recommendation technologies and other product features
8 are not reasonably safe because they affirmatively direct minor users to harmful and exploitative
9 content while failing to deploy feasible safeguards to protect vulnerable teens from such harmful
10 exposures. It is feasible to design an algorithm that substantially distinguishes between harmful
11 and innocuous content and protects minor users from being exposed to harmful content without
12 altering, modifying, or deleting any third-party content posted on Meta's social media product.
13 The cost of designing Meta's algorithms to incorporate this safeguard would be negligible while
14 benefit would be high in terms of reducing the quantum of mental and physical harm sustained by
15 minor users and their families.

16 271. Meta also engages in conduct, outside of the algorithms themselves, that is designed
17 to promote harmful and exploitative content as a means of increasing its revenue from
18 advertisements. This includes but is not limited to efforts to encourage advertisers to design ads
19 that appeal to minors, including children under the age of 13; and product design features intended
20 to attract and engage minor users to these virtual spaces where harmful ad content is then pushed
21 to those users in a manner intended to increase user engagement, thereby increasing revenue to
22 Meta at the direct cost of user wellbeing.

23 272. Reasonable users (and their parents) would not expect that Meta's product would
24 knowingly expose them to such harmful content and/or that Meta's product would direct them to
25 harmful content at all, much less in the manipulative and coercive manner that they do. Meta has
26 and continues to knowingly use its algorithms on users in a manner designed to affirmatively
27 change their behavior, which methods are particularly effective on (and harmful to) Meta's
28 youngest users, like A.F.

B. Failure to Verify Minor Users' Age and Identity

273. As designed, Meta's product is not reasonably safe because they do not provide for adequate age verification by requiring users to document and verify their age and identity.

274. Adults frequently set up user accounts on Meta's social media product posing as minors to groom unsuspecting minors to exchange sexually explicit content and images, which frequently progresses to sexual exploitation and trafficking.

275. Minor users of social media and their parents do not reasonably expect that prurient adults set up fraudulent accounts on Meta's social media product and pose as minors for malign purposes.

276. Likewise, minor users who are under the age of 13 and/or whose parents have taken affirmative steps to keep them away from Meta's product often open multiple accounts, such that Meta knows or has reason to know that the user is underage and/or does not have parental permission to use its product. Meta already has the information and means it needs to ascertain with reasonable certainty each user's actual age and, at least in some cases, Meta utilizes these tools to investigate, assess, and report on percentages and totals of underage users for internal assessment purposes. They simply choose to do nothing about that information as it relates to the specific, underaged users themselves.

277. By way of example only, Meta has dashboards that enable it to identify and track every detail of user activity by date, location, and age—not the age provided to Meta upon account opening, but rather, "Age prediction" technologies Meta has developed and that can determine age with reasonable certainty based on user data, online activity, and/or similar sources of information Meta collects with regard to every Meta user on a constant and ongoing basis.

278. Again, Meta exercises an unprecedented level of control over its users and possesses an unprecedented level of knowledge—including the estimated actual age of each user, irrespective of what a user states when opening an account. Meta cannot, in good faith, disclaim knowledge or responsibility for the harms its social media product is causing, including the harms it caused to A.F. and that are at issue in this Complaint.

279. Moreover, reasonably accurate age and identity verification is not only feasible but

1 widely deployed by online retailers and internet service providers.

2 280. The cost of incorporating age and identify verification into Meta's product would
3 be negligible, whereas the benefit of age and identity verification would be a substantial reduction
4 in severe mental health harms, sexual exploitation, and abuse among minor users of Meta's
5 product.

6 **C. Inadequate Parental Control and Monitoring**

7 281. Meta's product is also defective for lack of parental controls, permission, and
8 monitoring capability available on many other devices and applications.

9 282. Meta's product is designed with specific product features intended to prevent and/or
10 interfere with parents' reasonable and lawful exercise of parental control, permission, and
11 monitoring capability available on many other devices and applications.

12 **D. Intentional Direction of Minor Users to Harmful and Exploitative Content**

13 283. Default "recommendations" communicated to new minor users, including A.F.,
14 purposefully steered her toward content and users Meta knew to be harmful to children of her age
15 and gender.

16 284. Ad content pushed to new teenage users, including A.F., because of her age and
17 vulnerability, purposefully steer those users toward content Meta knows to be harmful to children
18 of her age and gender.

19 **E. Inadequate Protection of Minors from Sexual Exploitation and Abuse**

20 285. Meta's product is not reasonably safe because it does not protect minor users from
21 sexually explicit content and images or report sex offenders to law enforcement or allow users'
22 parents to readily report abusive users to law enforcement.

23 286. Parents do not expect their children will use Meta's product to exchange sexually
24 explicit content and images, and minor users do not expect that prurient adults pose as minors for
25 malign purposes or that exchange of such content will be deleterious to their personal safety and
26 emotional health.

27 287. Minor users of Meta's product lack the cognitive ability and life experience to
28 identify online grooming behaviors by prurient adults and lack the psychosocial maturity to decline

1 invitations to exchange salacious material.

2 288. Meta's product is unreasonably dangerous and defective as designed because it
3 allows minor children to use "public" profiles, in many cases default "public" profiles, that can be
4 mass messaged by anonymous and semi-anonymous adult users for the purposes of sexual
5 exploitation, and grooming, including the sending of encrypted, disappearing messages and cash
6 rewards through Meta's integrated design features.

7 289. Meta's product is unreasonably dangerous and defective as designed because it
8 allows strangers to contact minor children via direct message products and allows children to
9 engage with strangers using products such as direct messaging, disappearing, and live audio and
10 video.

11 **F. Design of Addictive Social Media Products**

12 290. As designed, Meta's social media product is addictive to minor users as follows:
13 When minors use design features such as "likes" it cause their brains release dopamine which
14 creates short term euphoria. However, as soon as dopamine is released, minor users' brains adapt
15 by reducing or "downregulating" the number of dopamine receptors that are stimulated and their
16 euphoria is countered by dejection. In normal stimulatory environments, this dejection abates, and
17 neutrality is restored. However, Meta's algorithms are designed to exploit users' natural tendency
18 to counteract dejection by going back to the source of pleasure for another dose of euphoria. As
19 this pattern continues over a period of months and the neurological baseline to trigger minor users'
20 dopamine responses increases, they continue to use Instagram, not for enjoyment, but simply to
21 feel normal. Once they stop using Instagram, minor users experience the universal symptoms of
22 withdrawal from any addictive substance including anxiety, irritability, insomnia, and craving.

23 291. Addiction is not restricted to a substance abuse disorders. Rather, the working
24 definition of addiction promulgated in the seminal article *Addictive behaviors: Etiology and*
25 *Treatment* published by the American Psychological Association in its 1988 *Annual Review of*
26 *Psychology* defines addiction as, a repetitive habit pattern that increases the risk of disease and/or
27 associated personal and social problems. Addictive behaviors are often experienced subjectively
28 as 'loss of control' – the behavior contrives to occur despite volitional attempts to abstain or

1 moderate use. These habit patterns are typically characterized by immediate gratification (short
2 term reward), often coupled with delayed deleterious effects (long term costs). Attempts to change
3 an addictive behavior (via treatment or self-initiation) are typically marked with high relapse rates.

4 292. Addiction researchers agree that addiction involves six core components:
5 (1) salience—the activity dominates thinking and behavior; (2) mood modification—the activity
6 modifies/improves mood; (3) tolerance—increasing amounts of the activity are required to achieve
7 previous effects; (4) withdrawal—the occurrence of unpleasant feelings when the activity is
8 discontinued or suddenly reduced; (5) conflict—the activity causes conflicts in relationships, in
9 work/education, and other activities; and (6) relapse—a tendency to revert to earlier patterns of the
10 activity after abstinence or control.

11 293. Social media addiction has emerged as a problem of global concern, with
12 researchers all over the world conducting studies to evaluate how pervasive the problem
13 is. Addictive social media use is manifested when a user (1) becomes preoccupied by social media
14 (salience); (2) uses social media in order to reduce negative feelings (mood modification); (3)
15 gradually uses social media more and more in to get the same pleasure from it (tolerance/craving);
16 (4) suffers distress if prohibited from using social media (withdrawal); (5) sacrifices other
17 obligations and/ or causes harm to other important life areas because of their social media use
18 (conflict/functional impairment); and (6) seeks to curtail their use of social media without success
19 (relapse/loss of control).

20 294. The Bergen Facebook Addiction Scale (BFAS) was specifically developed by
21 psychologists to assess subjects' social media use using the aforementioned addiction criteria, and
22 is by far the most widely used measure of social media addiction. Originally designed for
23 Facebook, BFAS has since been generalized to all social media. BFAS has been translated into
24 dozens of languages, including Chinese, and is used by researchers throughout the world to
25 measure social media addiction.

26 295. BFAS asks subjects to consider their social media usage with respect to the six
27 following statements and answer either (1) very rarely, (2) rarely, (3) sometimes, (4) often, or (5)
28 very often,

- a. You spend a lot of time thinking about social media or planning how to use it.
- b. You feel an urge to use social media more and more.
- c. You use social media in order to forget about personal problems.
- d. You have tried to cut down on the use of social media without success.
- e. You become restless or troubled if you are prohibited from using social media.
- f. You use social media so much that it has had a negative impact on your job/studies.

Subjects who score a “4” or “5” on at least 4 of those statements are deemed to suffer from social media addiction.

296. Addictive use of social media by minors is psychologically and neurologically analogous to addiction to internet gaming disorder as described in the American Psychiatric Association's 2013 Diagnostic and Statistical Manual of Mental Disorders (DSM-5), which is used by mental health professionals to diagnose mental disorders. Gaming addiction is a recognized mental health disorder by the World Health Organization and International Classification of Diseases and is functionally and psychologically equivalent to social media addiction. The diagnostic symptoms of social media addiction among minors are the same as the symptoms of addictive gaming promulgated in DSM 5 and include:

- a. Preoccupation with social media and withdrawal symptoms (sadness, anxiety, irritability) when the device is taken away or access is not possible (sadness, anxiety, irritability), including,
- b. Tolerance, the need to spend more time using social media to satisfy the urge.
- c. Inability to reduce social media usages, unsuccessful attempts to quit gaming.
- d. Giving up other activities, loss of interest in previously enjoyed activities due to social media usage.

- e. Continuing to use social media despite problems.
- f. Deceiving family members or others about the amount of time spent on social media.
- g. The use of social media to relieve negative moods, such as guilt or hopelessness.
- h. Jeopardized school or work performance or relationships due to social media usage.

297. Meta's advertising profit is directly tied to the amount of time that its users spend online, and its algorithms and other product features are designed to maximize the time users spend using the product by directing them to content that is progressively more and more stimulative. Meta enhances advertising revenue by maximizing users' time online through a product design that addicts them to the platform. However, reasonable minor users and their parents do not expect that on-line social media platforms are psychologically and neurologically addictive.

298. It is feasible to make Meta's product less addictive to minor users by limiting the frequency and duration of access and suspending service during sleeping hours.

299. At negligible cost, Meta could design software that limits the frequency and duration of minor users' screen use and suspends service during sleeping hours; the benefit of minor users maintaining healthy sleep patterns would be a significant reduction in depression, attempted and completed suicide and other forms self-harm among this vulnerable age cohort.

G. Inadequate Notification of Parents of Dangerous and Problematic Social Media Usage by Minor Users

300. Meta's product is not reasonably safe as designed because it does not include any safeguards to notify users and their parents of usage that Meta knows to be problematic and likely to cause negative mental health effects to users, including excessive passive use and use disruptive of normal sleep patterns. This design is defective and unreasonable.

301. It is reasonable for parents to expect that social media companies that actively promote their platforms to minors will undertake reasonable efforts to notify parents when their child's use becomes excessive or occurs during sleep time. It is feasible for Meta to design a

1 product that identifies a significant percentage of its minor users who are using the product more
2 than three hours per day or using it during sleeping hours at negligible cost.

3 302. Meta's product is not reasonably safe as designed because, despite numerous
4 reported instances of child sexual solicitation and exploitation by adult users, Meta has not
5 undertaken reasonable design changes to protect underage users from this abuse, including
6 notifying parents of underage users when they have been messaged or solicited by an adult user or
7 when a user has sent inappropriate content to minor users.

8 303. Meta's entire business is premised upon collecting and analyzing user data and it is
9 feasible to use Meta's data and algorithms to identify and restrict improper sexual solicitation,
10 exploitation and abuse by adult users.

11 304. Moreover, it is reasonable for parents to expect that platforms such as Instagram,
12 which actively promote its services to minors, will undertake reasonable efforts to identify users
13 suffering from mental injury, self-harm, or sexual abuse and implement technological safeguards
14 to notify parents by text, email, or other reasonable means that their child is in danger.

15 305. As a proximate result of these dangerous and defective design attributes of Meta's
16 product, A.F. suffered severe mental harm. Plaintiffs did not know, and in the exercise of
17 reasonable diligence could not have known, of these defective design in Meta's product until late
18 2021 at the absolute earliest.

19 306. As a result of these dangerous and defective design attributes of Meta's product,
20 Plaintiffs M.F. and B.F. suffered emotional distress and pecuniary hardship due to their daughter's
21 mental harms resulting from her social media addiction.

22 307. Meta is further liable to Plaintiffs for punitive damages based upon the willful and
23 wanton design of its product that was intentionally marketed and sold to underage users, whom
24 they knew would be seriously harmed through their use of Instagram.

25 **COUNT II – STRICT PRODUCT LIABILITY (Failure to Warn)**

26 308. Plaintiffs reallege each and every allegation contained in paragraphs 1 through 307
27 as if fully stated herein.

28 309. Meta's product is defective because of inadequate instructions or warnings because

1 the foreseeable risks of harm posed by the product could have been reduced or avoided by the
2 provision of reasonable instructions or warnings by the manufacturer and the omission of the
3 instructions or warnings renders the product not reasonably safe. This defective condition rendered
4 the product unreasonably dangerous to persons or property, existed at the time the product left
5 Meta's control, reached the user or consumer without substantial change in the condition in which
6 it was sold, and was a cause of A.F.'s injury.

7 310. Meta's product is unreasonably dangerous and defective because it contains no
8 warning to users or parents regarding the addictive design and effects of Instagram.

9 311. Meta's social media product relies on highly complex and proprietary algorithms
10 that are both undisclosed and unfathomable to ordinary consumers, who do not expect that social
11 media platforms are physically and/or psychologically addictive.

12 312. The magnitude of harm from addiction to Meta's product is horrific, ranging from
13 simple diversion from academic, athletic, and face-to-face socialization to sleep loss, severe
14 depression, anxiety, self-harm, and suicide.

15 313. The harms resulting from minors' addictive use of social media platforms have
16 been not only well-documented in the professional and scientific literature, but Meta had actual
17 knowledge of such harms.

18 314. Meta's product is unreasonably dangerous because it lacks any warnings that
19 foreseeable product use can disrupt healthy sleep patterns or specific warnings to parents when
20 their child's product usage exceeds healthy levels or occurs during sleep hours. Excessive screen
21 time is harmful to adolescents' mental health and sleep patterns and emotional well-being.
22 Reasonable and responsible parents are not able to accurately monitor their child's screen time
23 because most adolescents own or can obtain access to mobile devices and engage in social media
24 use outside their parents' presence.

25 315. It is feasible for Meta's product to report the frequency and duration of their minor
26 users' screen time to their parents without disclosing the content of communications at negligible
27 cost, whereas parents' ability to track the frequency, time and duration of their minor child's social
28 media use are better situated to identify and address problems arising from such use and to better

1 exercise their rights and responsibilities as parents.

2 316. Meta knew about these harms, knew that users and parents would not be able to
3 safely use its product without warnings, and failed to provide warnings that were adequate to make
4 the product reasonably safe during ordinary and foreseeable use by children.

5 317. As a result of Meta's failure to warn, A.F. suffered severe mental harm, leading to
6 physical injury from her use of Instagram.

7 318. As a result of Meta's failure to warn, Plaintiff M.F. suffered emotional distress and
8 pecuniary hardship due to his daughter's mental harm resulting from social media addiction.

9 319. Meta is further liable to Plaintiff for punitive damages based upon its willful and
10 wanton failure to warn of known dangers of its product that was intentionally marketed and sold
11 to teenage users, whom they knew would be seriously harmed through their use of Instagram.

12 **COUNT III – NEGLIGENCE**

13 320. Plaintiffs reallege each and every allegation contained in paragraphs 1 through 319
14 as if fully stated herein.

15 321. At all relevant times, Meta had a duty to exercise reasonable care and caution for
16 the safety of individuals using its product, such as A.F.

17 322. Meta owes a heightened duty of care to minor users of its social media product
18 because adolescents' brains are not fully developed, which results in a diminished capacity to make
19 good decisions regarding their social media usages, eschew self-destructive behaviors, and
20 overcome emotional and psychological harm from negative and destructive social media
21 encounters.

22 323. As a product manufacturer marketing and selling products to consumers, Meta
23 owed a duty to exercise ordinary care in the manufacture, marketing, and sale of its product,
24 including a duty to warn minor users and their parents of hazards that Meta knew to be present,
25 but not obvious, to underage users and their parents.

26 324. As a business owner, Meta owes its users who visit Meta's social media platform
27 and from whom Meta's derive billions of dollars per year in advertising revenue a duty of ordinary
28 care substantially similar to that owed by physical business owners to its business invitees.

1 325. Meta was negligent, grossly negligent, reckless and/or careless in that they failed
2 to exercise ordinary care and caution for the safety of underage users, like A.F., using its Instagram
3 product.

4 326. Meta was negligent in failing to conduct adequate testing and failing to allow
5 independent academic researchers to adequately study the effects of its product and levels of
6 problematic use amongst teenage users. Meta has extensive internal research indicating that its
7 product is harmful, causes extensive mental harm and that minor users are engaging in problematic
8 and addictive use that their parents are helpless to monitor and prevent.

9 327. Meta is negligent in failing to provide adequate warnings about the dangers
10 associated with the use of social media products and in failing to advise users and their parents
11 about how and when to safely use its social media platform and features.

12 328. Meta is negligent in failing to fully assess, investigate, and restrict the use of
13 Instagram by adults to sexually solicit, abuse, manipulate, and exploit minor users of its Instagram
14 product.

15 329. Meta is negligent in failing to provide users and parents the tools to ensure its social
16 media product is used in a limited and safe manner by underage users.

17 330. As a result of Meta's negligence, A.F. suffered severe mental harm from her use of
18 Instagram.

19 331. As a result of Meta's negligence, Plaintiffs M.F. and B.F. suffered emotional
20 distress and pecuniary hardship due to their daughter's mental harm resulting from social media
21 addiction.

22 332. Meta is further liable to Plaintiff for punitive damages based upon its willful and
23 wanton conduct toward underage users, including A.F., whom they knew would be seriously
24 harmed through the use of its social media product.

25 **COUNT IV – VIOLATIONS OF CALIFORNIA'S UNFAIR COMPETITION LAW**

26 **(Cal. Bus. & Prof Code §§ 17200, *et seq.*)**

27 333. Plaintiffs reallege each and every allegation contained in paragraphs 1 through 332
28 as if fully stated herein.

1 334. Defendant Meta is a corporation, and thus a “person,” as defined by California
2 Business & Professions Code § 17201.

3 335. The UCL prohibits all conduct that is unlawful, unfair, or fraudulent.

4 336. Defendant’s conduct is unlawful as set forth in Counts I–III, above.

5 337. Defendant’s conduct is unlawful also because it has knowledge of users under the
6 age of 13 on its platform and, in fact, actively targets, markets to, and encourages use of its social
7 media product by minors under the age of 13.

8 338. Defendant engaged in fraudulent and deceptive business practices in violation of
9 the UCL by promoting products to underage users, including A.F., while concealing critical
10 information regarding the addictive nature and risk of harm these products pose. Defendant knew
11 and should have known that its statements and omissions regarding the addictive and harmful
12 nature of its product were misleading and therefore likely to deceive the members of the public
13 who use Defendant’s product and who permit their underage children to use Defendant’s product.
14 Had M.F. or B.F. known of the dangerous nature of Defendant’s product, they would have taken
15 early and aggressive steps to stop or limit their daughter’s use of Meta’s product.

16 339. Defendant’s practices are unfair and violate the UCL because they offend
17 established public policy, and because the harm these practices cause to consumers greatly
18 outweighs any benefits associated with them.

19 340. Defendant’s conduct has resulted in substantial injuries that Plaintiff could not
20 reasonably have avoided because of Defendant’s deceptive conduct. This substantial harm is not
21 outweighed by any countervailing benefits to consumers or competition.

22 341. As a direct and proximate result of the foregoing acts and practices, Defendant has
23 received, or will receive, income, profits, and other benefits, which it would not have received if
24 it had not engaged in the violations of the UCL described herein. As a direct and proximate result
25 of the foregoing acts and practices, Defendant has also obtained an unfair advantage over similar
26 businesses that have not engaged in such practices.

27 342. As a result of Defendant’s UCL violations, Plaintiffs have suffered injury in fact
28 and lost money as set forth herein.

1 343. Accordingly, Plaintiffs seek injunctive and equitable relief to halt and remedy
2 Defendant's unlawful, fraudulent, and unfair conduct.

3 **COUNT V – UNJUST ENRICHMENT**

4 344. Plaintiffs reallege each and every allegation contained in paragraphs 1 through 343
5 as if fully stated herein.

6 345. As a result of Defendant's conduct detailed herein, Defendant received a benefit.
7 Because Defendant's advertising profits are directly tied to the number of user accounts and the
8 amount of time those users spend on Instagram, Defendant benefited directly from A.F.'s
9 problematic use of its product, both from the amount of time she spent on Instagram and from her
10 creation of multiple Instagram accounts.

11 346. It would be unjust and inequitable for Defendant to retain the ill-gotten benefits at
12 Plaintiff's expense, in light of Defendant's acts and omissions described herein.

13 347. Accordingly, Plaintiffs seek damages in an amount to be proven at trial.

14 **COUNT VI – INVASION OF PRIVACY**

15 **(California Constitutional Right to Privacy, Cal. Const. Art. 1, § 1)**

16 348. Plaintiffs reallege each and every allegation contained in paragraphs 1 through 347
17 as if fully stated herein.

18 349. Defendant intentionally intruded upon Plaintiffs' solitude, seclusion, or private
19 affairs by knowingly designing its product with features that were intended to, and did, frustrate
20 parents' ability to monitor and control their children's social media usage.

21 350. These intrusions are highly offensive to a reasonable person, particularly given
22 Defendant's interference with the fundamental right of parenting and its exploitation of children's
23 special vulnerabilities for commercial gain.

24 351. Plaintiffs were harmed by Defendant's invasion of privacy, as detailed herein.

25 352. Plaintiffs therefore seek compensatory and punitive damages in amounts to be
26 determined at trial, as well as injunctive relief requiring Defendant to cease the harmful practices
27 described throughout this complaint.
28

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Meta for relief as follows:

- a) Past physical and mental pain and suffering of A.F., in an amount to be more readily ascertained at the time and place set for trial.
- b) Loss of future income and earning capacity of A.F.
- c) Past and future medical expenses of A.F.
- d) Past physical and mental pain and suffering of M.F. and B.F., in an amount to be more readily ascertained at the time and place set for trial.
- e) Monetary damages suffered by M.F. and B.F.
- f) Punitive damages.
- g) For the reasonable costs and attorney and expert/consultant fees incurred in this action.
- h) For injunctive relief.
- i) For such other and further relief as this Court deems just and equitable.

Dated: September 29, 2022.

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